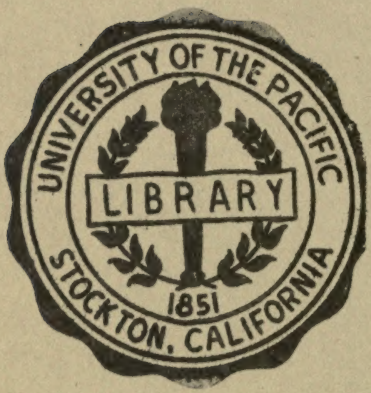

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INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

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THE TEXTILE INDUSTRY IN PHILADELPHIA

(For exhibits under this subject, see pages 3086 to 3090)

COMMISSION ON INDUSTRIAL RELATIONS.

PHILADELPHIA, *June 29, 1914.*

Present: Commissioner Weinstock (acting chairman), Commissioner Lennon, Commissioner O'Connell, and also E. H. Busiek, special counsel.

Mr. BUSIEK. I will call Mr. Tobias Hall.

TESTIMONY OF MR. TOBIAS HALL.

Mr. BUSIEK. Please state your name.

Mr. HALL. Tobias Hall.

Mr. BUSIEK. What position do you hold?

Mr. HALL. None whatever.

Mr. BUSIEK. What is your craft?

Mr. HALL. Cloth weaver and upholstery goods weaver.

Mr. BUSIEK. Are you a member or an officer of any union?

Mr. HALL. I am a member of the upholster goods weavers' union.

Mr. BUSIEK. How long have you worked at that trade?

Mr. HALL. Since 1880.

Mr. BUSIEK. Are you an officer in the union?

Mr. HALL. No, sir; not what they term an officer; just a delegate to the central body of Philadelphia.

Mr. BUSIEK. About how many men are there in your craft in Philadelphia in the textile industry?

Mr. HALL. About 1,000 or 1,200.

Mr. BUSIEK. Upholstery weavers?

Mr. HALL. Yes, sir.

Mr. BUSIEK. And how many weavers are there on ordinary cloths?

Mr. HALL. Possibly 10,000.

Mr. BUSIEK. About 10,000?

Mr. HALL. Yes.

Mr. BUSIEK. What is the prevailing rate of wages for weavers in the upholstery industry?

Mr. HALL. Wages vary on the different grades of work. We are paid by the pick.

Mr. BUSIEK. Just explain briefly what the pick is.

Mr. HALL. Every time the shuttle goes across from one side of the cloth to the other, that is the pick, and we base our prices on the number of picks per inch, so that if there are 100 picks to the inch and the price is 2½ mills a pick that would be 25 cents per yard.

Mr. BUSIEK. How much can an average worker earn, running full time, at that price?

Mr. HALL. Running full time?

Mr. BUSIEK. Yes.

Mr. HALL. That is something which never occurs.

Mr. BUSIEK. How much can he earn a day when working?

Mr. HALL. When he works by the day?

Mr. BUSIEK. Yes.

Mr. HALL. From $2.50 to $3.75.

Mr. BUSIEK. About what proportion of the time are the men idle?

Mr. HALL. We have what we call two slack seasons and two busy seasons. In the busy season, when I say that they never know what time they are working. In the busiest season one is liable to wait for filling, cards, breakage, and machinery from one hour to one week.

Mr. BUSIEK. Is that taken out of the employees' time?

Mr. HALL. We work piecework; we don't get any pay for anything we don't produce.

Mr. BUSIEK. I see. Tell the commission something about the mechanical development of the looms as affecting your trade.

Mr. HALL. There has been practically no change in my experience in the upholstery-weaving end. In the clothing-weaving end also there has been very little change outside of the speeding up of the looms, and where we used to have one loom in, say, 1880, when I worked in the cloth business, prior to going into the upholstery trade, it has developed now into a two-loom system, and where we used to get 2 mills per pick it is now 1 mill per pick on each loom. In other words, we get the same wages, but do double the amount of work on those machines.

Mr. BUSIEK. You talk about what is called speeding up. Is the extra speed put on by the machines reflected in the amount of work that the men have to do, or, what I am trying to get at, do the machines work more and the men less?

Mr. HALL. No; the machine works more, and the worker keeps up with the machine and gives that much extra energy.

Mr. BUSIEK. Then, as I understand it, in the cloth trade they have added another loom?

Mr. HALL. Oh, yes; another loom.

Mr. BUSIEK. Not the wages, so that a man can earn as much on two looms as he formerly did on one?

Mr. HALL. Yes.

Mr. BUSIEK. And they have speeded up the machines about how much faster?

Mr. HALL. Well, very little in the cloth, possibly 10 picks a minute.

Mr. BUSIEK. Have they speeded up considerably in the upholstery?

Mr. HALL. No; very little. I will tell you why. They found in speeding up, if they introduced any inferior material, the loom did a lot of stopping, and they did not get the production. It was a costly experiment, and it did not prove successful, and they did not carry it out to any great extent. That practically remained as it was. That is the speed of the loom 30 years ago and to-day.

Mr. BUSIEK. About what percentage of the men in your craft are organized?

Mr. HALL. In the upholstery trade, fully 50 per cent.

Mr. BUSIEK. And in the cloth trade?

Mr. HALL. The percentage is so low you very near have to get a magnifying glass to find it. That is why they are running two looms in that business.

Mr. BUSIEK. With a stronger organization, would it be the spirit of your organization to resist the two-loom system?

Mr. HALL. We fought against it continuously and successfully for the last 20 years in the upholstery end. The cloth weavers have fallen down lamentably, and the two-loom system is the prevailing system at the present time.

Mr. BUSIEK. What is the comparison of wages paid where you have contracts with employers, or what is termed closed shop and open shop?

Mr. HALL. In the upholstery trade the closed shops, or the union men, have set the price for the nonunionists. The price per yard is the same in all the shops. The nonunion employer, or the employer that has got only a small percentage of union men in his plant, is so much afraid of the strength of the union, the prestige of it, that he falls in line with the price adopted by the union employer.

Mr. BUSIEK. What is the situation in the cloth trade?

Mr. HALL. The cloth trade has no fixed price; some pay 1 mill a pick on each loom, where there is two looms; 2 mills a pick on one machine, and in some places they pay 5 per cent additional, and in others they do not. In some cloth shops they don't pay by the pick at all, in the hard cloth shops, where they pay by the piece, and if the employer thinks he needs a little more profit out of the employee, he increases the length of the piece; where it used to be 50 yards, he tacks on 5 yards more without any extra pay.

Mr. BUSIEK. That is, he just makes the scale for 55 yards instead of 50?

Mr. HALL. Just the same old piece, say, $4.50 a piece; he tacks on a few more yards when he needs another automobile or something like that.

Mr. BUSIEK. As to the number of men in the business in Philadelphia, how is the labor market?

Mr. HALL. The labor market, generally speaking, in the cloth trade is overstocked, and in the upholstery trade in our busy season sometimes we have a shortage for a week or two or two weeks, and then an oversupply, by dumping them in the market.

Mr. BUSIEK. Is there any difference in skill between a cloth weaver and an upholstery weaver?

Mr. HALL. Well, quite a little. It is a different machine. The loom proper is the same loom, but in upholstery weaving they have a jacquard on it and it is up in the air, and you have to learn to be a rigger and a climber and that sort of thing, and that is why we are not troubled much in the upholstery trade by females. They get in an embarrassing position and leave the shop, because they can not face the men afterwards.

Mr. BUSIEK. There is a tendency in the trade—or what is the tendency of the trade toward the employment of women? Is the employment of women growing, to the exclusion of men, or not?

Mr. HALL. In the cloth trade, yes; but not in our trade. We are not troubled, as I have told you, with women, on account of them getting into embarrassing positions.

Acting Chairman WEINSTOCK. You say you are not troubled with women?

Mr. HALL. Sir?

Acting Chairman WEINSTOCK. You say you are not troubled with women?

Mr. HALL. Yes; I will put it that way. I am a married man, though, Mr. Commissioner, and don't think I am a soured one, either; I have got a good wife.

Mr. BUSIEK. Do women draw the same wages as the men?

Mr. HALL. Per yard; yes, sir.

Mr. BUSIEK. Can women, in the main, weave as much cloth as men?

Mr. HALL. Women generally stick at it closer than men, in my experience, for fear of losing their jobs. They know they are in competition of men, and the man is the stronger, and they hang on when men weary of the sameness and stop.

Mr. BUSIEK. What is the disposition of the employers in Philadelphia at large to deal with organizations or crafts in the trade?

Mr. HALL. Positively decline to recognize unions; that is, officially, mind you. Unofficially, in our trade, we make them recognize us.

Mr. BUSIEK. What is their attitude toward men who have gone on a strike?

Mr. HALL. Taking our trade, it is in the vanguard in making the weaving conditions better. They assume a militant attitude in strikes or in the enforcement of sanitary and factory laws. Once they get out of a shop it's pretty nearly physically impossible to break in again. Myself, for example; they have not permitted me to go into a shop for seven years.

Mr. BUSIEK. Were you ever arrested for violence?

Mr. HALL. Never in connection with labor troubles; just for a difference between a man and myself; we had a little difference and got locked up; but I assume you want to get at the whole truth, I suppose.

Mr. BUSIEK. That is more of the truth than I want.

Mr. HALL. But I am a good citizen; I own property.

Mr. BUSIEK. Is there any—does your union notice any concerted action amongst the employers for the purpose of preventing the union from growing stronger or for breaking it down?

Mr. HALL. Yes; every time that we suggest a change for the betterment of the workmen the employers get very busy—are very busy men—the automobiles are flying around and breaking speed laws to get them all together.

Mr. BUSIEK. Is there any discrimination against union men in the shops—men who are not militant, as you say?

Mr. HALL. Well, the employer uses some discretion in that matter. If he thinks a union man would not disturb anything, he will let him stay; but if he knows there is any militancy about that union man, then, at the first opportunity, he removes him.

Mr. BUSIEK. What do you understand by the term "militancy." which you use?

Mr. HALL. Well, a disturber, from the employer's point of view, from peaceful and orderly conditions. Leaving things alone and not interfering with his business, as he terms it.

Mr. BUSIEK. What would you call a peaceful organizer?

Mr. HALL. There is no peaceful organizer—not from the employer's point of view.

Mr. BUSIEK. Well, take this: A man who out of shop hours, for instance, would go around to his friends in the shop and at their homes and attempt to organize them; do you call him a militant, or do you think he would be objectionable to the employer?

Mr. HALL. Yes.

Mr. BUSIEK. You would?

Mr. HALL. Yes, sir.

Mr. BUSIEK. What are the sanitary conditions in the mills in Philadelphia?

Mr. HALL. In the upholstery trade, fair. We have seen to that by hammering away at the factory-inspection department for the last 15 or 18 years.

Mr. BUSIEK. What is your experience with the factory-inspection department as to the action which it takes when a complaint is made?

Mr. HALL. At this time the factory-inspection department seems to be in a receptive mood; they are willing to listen to our complaints and try to better the conditions as we point them out as being bad.

There are some things, though, that I think it would be well for this commission to study, and possibly they can help. There is a part of the law—the factory law of Pennsylvania, which states that the employer shall provide suitable and proper drinking water. The water is warm now, and in some shops the employer does not provide ice to cool the drinking water. The department of factory inspection in Philadelphia—the chief—is in doubt whether he has authority to force the employer to provide the ice.

Mr. BUSIEK. Well, is there any doubt in his mind whether or not warm, tepid water is suitable drinking water or not?

Mr. HALL. Yes; he stated to me—I think it was either two weeks ago this morning, or three weeks, when I called his attention to the fact that there were some shops—and I specified them; gave him the names of them—where the employer was permitting money to be collected for ice to cool the drinking water—he stated he was in doubt, and that the department was in doubt, as to what the law meant—whether they had the power to force the employer to buy ice or not.

Mr. BUSIEK. What is the attitude of the employers in Philadelphia in regard to labor-saving devices and their installation? Is there compliance with the existing laws?

Mr. HALL. In my experience, I might state, I was a deputy factory inspector for 18 months in Philadelphia, and in my experience in that 18 months the employer did not either want to or did not believe in supplying labor-saving devices nor protective devices. He considered it a hardship and a punishment whenever the department got on a little spasm now and then and did move a little.

Mr. BUSIEK. Well, I was unfortunate in my question. I did not mean labor-saving devices; I meant protective devices.

Mr. HALL. Protective devices?

Mr. BUSIEK. Protective devices.

Mr. HALL. He did not seem to warm up to it; he seemed to think it was a hardship and a punishment and resented it.

Mr. BUSIEK. Well, is there substantial compliance with the existing laws?

Mr. HALL. The department at this time seems to be moving toward betterment all along that line. Take the upholstery trade, for instance. We took one shop, a shop that we had strength enough, we believed, to retain the men in that shop, at least, so that we would help with these protective devices, and we have the chief factory inspector in Philadelphia and his assistant and our committee and the manager of that shop get together and devise protective devices, and we have got that shop now as an example and the chief of the department is going to carry out that plan all through the upholstery departments, the upholstery weaving department. That is the understanding at this time with the chief of the department in Philadelphia, and I believe he is carrying it out.

Mr. BUSIEK. As to the wages, going back to that subject, what has been the trend of the wages in the last 10 or 20 years?

Mr. HALL. During the panic times of 1892, 1893, 1894, 1895, 1896, 1897, the tendency was downward. The upholstery weavers' organization at that time was on its back, through depression in times and lack of enthusiasm, but in 1899 we had a resurrection of spirits, and from 1899 to this time we have been on the upward movement, where we got a mill and a half a pick on some jobs, we get now 2¾ for the same job, and so you can see the difference.

Mr. BUSIEK. Well, how does that compare with the wages you got before the depression of 1893?

Mr. HALL. Better; a shade above 1893, and prior to the cutting.

Mr. BUSIEK. About what percentage?

Mr. HALL. Well, possibly an average of about 10 per cent.

Mr. BUSIEK. About 10 per cent?

Mr. HALL. Well, some extra fine goods at that time, there was quite a lot of fine work which has practically extended to this time. There would be a big cut if we worked it under our present system, but when we get extra fine work, we then have a new scale adopted for it.

Mr. BUSIEK. This commission would also like to have your idea, if you have given the matter thought, as to the underlying conditions for industrial unrest, and what steps could be taken by Congress to minimize the evils as they exist, and remedy such defects in the law as they exist.

Mr. HALL. I believe a change in our entire economic system would be in order.

Mr. BUSIEK. But short of a complete revolution of the economic system, is there any immediate relief?

Mr. HALL. Yes; I believe in a minimum wage; the unrest, as I find it, is caused by a lack of having the necessary amount of money to provide the nourishment for the body and the pleasures for the brain.

Mr. BUSIEK. How about a maximum workday or working week?

Mr. HALL. Oh, yes; we are crazy for that.

Mr. BUSIEK. To get back to your own industry, what are the conditions of hours in Philadelphia?

Mr. HALL. Prior to 1899 the working week was 60 hours with overtime added, whether we liked it or not, without any extra compensation; since that time we went on strike in 1899 for increase in wages and a shortening of the work week to 55 hours. That was the beginning of the agitation for the law that is now a fact, the 54-hour law. The organization that I belong to were the pioneers in that movement. In 1903, through the agitation of our textile organization, we had a general strike in Philadelphia for a shorter working week, a 54-hour week. At that time it was an apparent failure, but what appear to be failures sometinmes in industrial contests are successes.

The agitation that I have stated here has resulted now in a 54-hour week. That is for women we have this legislation, but women cut quite a figure in the textile industry. They supply the material that we weave with. After we have woven the material the women take out and mend up the defects, so that when the women are forced into the 54-hour week, naturally the men can not go along after that, and, of course, we have the 54-hour week with them. God bless the women for that.

Acting Chairman WEINSTOCK. You say the employers of Philadelphia in the textile industry will not recognize or deal with organized labor except in your particular trade?

Mr. HALL. They don't officially recognize us.

Acting Chairman WEINSTOCK. You represent the weavers?

Mr. HALL. The upholstery goods weavers and cloth weavers.

Acting Chairman WEINSTOCK. Well, how many weavers are in your trade in this city?

Mr. HALL. About 1,000 now, in the upholstery; 1,000 to 1,200.

Acting Chairman WEINSTOCK. How many of those are organized?

Mr. HALL. About 50 per cent.

Acting Chairman WEINSTOCK. 50 per cent?

Mr. HALL. About; that is, round numbers.

Acting Chairman WEINSTOCK. Well, is that number sufficiently large to compel recognition on the part of the employer?

Mr. HALL. Yes, sir; unofficial recognition.

Acting Chairman WEINSTOCK. Well, I don't quite understand the distinction between unofficial recognition of the union and official recognition of the union. Will you please explain?

Mr. HALL. The official recognition would be the getting together and agreeing with all our feet under the table on a scale of wages, and signing it.

Acting Chairman WEINSTOCK. Yes.

Mr. HALL. Unofficial recognition is the fact that after a contest with the employer and he having to come down from his original position, he then hands over a scale of wages to the employees, which is a compromise, generally, and he says, "This firm will pay that," and if the workers in the shop are then not strong enough to compel him, he evades paying all of them and living up to the conditions he has handed out.

Acting Chairman WEINSTOCK. You mean——

Mr. HALL (interrupting). But where we have a sufficient number of union men, then we have a committee that demands recognition in the office.

Acting Chairman WEINSTOCK. You mean that whatever collective bargaining may be done in your particular trade, is done by the individual employer and the employees in his own shop?

Mr. HALL. No; I won't put it that way, Mr. Commissioner. He acts collectively with his fellow employees, and then tries to deal individually with his shops; respective shops.

Acting Chairman WEINSTOCK. You mean that the employers are a unity?

Mr. HALL. Yes, sir.

Acting Chairman WEINSTOCK. They agree among themselves what they are willing to pay?

Mr. HALL. Yes, sir.

Acting Chairman WEINSTOCK. And then each employer deals with the group in his own shop?

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. Individually?

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. Well, may not that result, then, in different rates prevailing in different shops?

Mr. HALL. No; not likely. I will tell you why. The weavers get together——

Acting Chairman WEINSTOCK. Yes.

Mr. HALL. And the nonunion weaver—this other 50 per cent—he has at some time invariably been a member of our organization, but through some cause he has dropped out, and he won't go in to work until the unions say so. His employer can not do business with him until the union agrees to let him go.

Acting Chairman WEINSTOCK. In other words, the nonunion worker lets the union set the pace for him?

Mr. HALL. That is the idea exactly.

Acting Chairman WEINSTOCK. Though he is not a member of the union?

Mr. HALL. That is all; takes all the benefits without paying any tribute.

Acting Chairman WEINSTOCK. Well, don't the employer at times dicker with the unions?

Mr. HALL. Not directly.

Acting Chairman WEINSTOCK. In other words, supposing the employers got together and fixed a certain wage list, call it 10, and then each employer separately submitted that to the workers in his shop, and the workers of the different shops come together and discuss this question as to whether 10 was satisfactory or unsatisfactory, and they decided that it was not satisfactory, and that they wanted 11 or 12.

Mr. HALL. Mr. Commissioner——

Acting Chairman WEINSTOCK (interrupting). And then each group would go back to its own employer and demand 11 or 12. Wouldn't there be more or less dickering going on before they could reach a conclusion?

Mr. HALL. We have never found that condition to exist that you just pictured. The manufacturer never comes together to do business with his employee until the employee demands something; never comes out and says, "We are going to raise your wages," or anything like that.

Acting Chairman WEINSTOCK. The initiative must come from the workers?

Mr. HALL. Undoubtedly.

Acting Chairman WEINSTOCK. Well, let's reverse the case, then, this hypothetical question.

The workers come together and say, "We are getting 10 and we want to get 12."

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. And each makes a demand on his individual employer, or a committee makes a demand, and the employers get together and discuss it and reach the conclusion that 12 is too much, and they might be willing to pay 11, and they come back to the men and say, "We will give you 11."

Mr. HALL. That is what they do. I don't recall any of them attempting to agree until after we have had a contest. The employer believes he should not recognize the weaver, even to the extent of formulating a price list, until he has been in a contest lasting a number of weeks, and then he thinks it over in the manner you have suggested. He then gets in touch with his own weavers, and wants to know why they can not get down to some rate basis. "Now, you fellows are asking too much." That is about the tone of his talk. "I could suggest to my fellow manufacturers that if your folks would accept such a price it would about go through."

Acting Chairman WEINSTOCK. Then, there is more or less unofficial dickering?

Mr. HALL. Yes; that is the idea; unofficial dickering.

Acting Chairman WEINSTOCK. Well, how often have you had industrial difficulties in your industry, say, in the last five years?

Mr. HALL. In the last five years?

Acting Chairman WEINSTOCK. Yes.

Mr. HALL. Well, last year we had the entire trade on strike for an increase of wages.

Acting Chairman WEINSTOCK. Here in Philadelphia?

Mr. HALL. Yes; it is all in Philadelphia—our business—practically speaking. We had the entire trade out; that is, we made a demand all along the line, and every shop came out but one, where the employer conceded the demand. That is a shop that we term a closed shop. We had the say so, whether our men shall stay there or not if they don't be good.

In that case, after a battle of 11 weeks, the employers conceded an advance of from 8 to 12 per cent instead of 15 to 25. Of course——

Acting Chairman WEINSTOCK (interrupting). A compromise settlement?

Mr. HALL. Yes. The shop that was already giving 15 to 25 per cent, of course, the manufacturer got the benefit of that, and they slipped back with the other.

Acting Chairman WEINSTOCK. Well, that strike occurred you say, last year?

Mr. HALL. Began April 1, 1913.

Acting Chairman WEINSTOCK. And took about 11 weeks?

Mr. HALL. Eleven weeks; yes, sir.

Acting Chairman WEINSTOCK. What was the preceding strike to that?

Mr. HALL. For wages.

Acting Chairman WEINSTOCK. How long an interval between the strikes?

Mr. HALL. Well, the strike prior to that one was about 12 or 13 weeks.

Acting Chairman WEINSTOCK. It happened when?

Mr. HALL. I can not just recall the year.

Acting Chairman WEINSTOCK. Approximately when?

Mr. HALL. Somewhere about 1904 or 1905—1904, I think; something like that.

Acting Chairman WEINSTOCK. Have the workers in your industry here, so far as you know, any grievances at this time?

Mr. HALL. In what way, general grievances?

Acting Chairman WEINSTOCK. Have they any general grievances, either as to hours, wages, or working conditions?

Mr. HALL. Yes; we want still shorter hours and more money. Never satisfied, Mr. Commissioner. We are after all we can get hold of.

Acting Chairman WEINSTOCK. Well, in that respect you seem to be made out of the same sort of common clay that the employer is made out of.

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. He also is never satisfied.

Mr. HALL. Yes; we understand that it is just a question of who shall take the most of the toilers' property.

Acting Chairman WEINSTOCK. You don't, then, have what are known as trade agreements? When this issue arises about wages and you finally come to an understanding is that understanding purely verbal, or do you enter into a regular written agreement with the employer?

Mr. HALL. No; the employer, after he and his fellow employers agree on something and we agree to accept it, he then tacks it up on the wall and signs his name to it.

Acting Chairman WEINSTOCK. There is no such thing, then, as an actual agreement between the employer on one side and the workers on the other?

Mr. HALL. No; unofficial. You see, that was the unofficial part I stated a while ago.

Acting Chairman WEINSTOCK. Now, do you think it would be better for the workers and better for the employers——

Mr. HALL (interrupting). I am not thinking about the employer, Mr. Commissioner.

Acting Chairman WEINSTOCK. Well, you have an opinion you may be willing to express?

Mr. HALL. All right.

Acting Chairman WEINSTOCK. You want to remember, of course, that no one-sided arrangement can ever stand. It has got to be mutually satisfactory to become permanent. Do you think it would be better for both sides if the same

conditions could be established in your industry that prevails in the glass-blowers' industry and the pottery industry as you heard testified here?

Mr. HALL. I did not hear Mr. Hayes.

Acting Chairman WEINSTOCK. There is the glass-blowers' industry, and in the pottery industry it has been testified that both the employers and the workers have organization on both sides. Each side recognizes and deals with the other. Trade agreements are entered into which are mutually respected. Do you think the conditions that prevail there could be applied with equally good results in your industry?

Mr. HALL. Undoubtedly; undoubtedly. I believe better results would be obtained all along the line.

Acting Chairman WEINSTOCK. Better for both sides?

Mr. HALL. More peace of mind and more efficiency.

Acting Chairman WEINSTOCK. Wouldn't that tend to minimize industrial unrest in your industry?

Mr. HALL. I would think so.

Acting Chairman WEINSTOCK. Would that tend also to remove the causes for industrial unrest?

Mr. HALL. No; I don't think so. There will always be cause, I believe, for some unrest and dissatisfaction.

Acting Chairman WEINSTOCK. Well, you mean that there would always be disputes?

Mr. HALL. Yes.

Acting Chairman WEINSTOCK. There is a difference between a dispute—the unrest caused by a dispute and the unrest caused by a war. That is, I may have a dispute with you, and by our coming together and letting reason prevail we may adjust it and adjudicate it as nearly as we can to our mutual satisfaction.

Mr. HALL. And have more respect for each other.

Acting Chairman WEINSTOCK. And then there is another way of settling it, by brickbats and cobblestones?

Mr. HALL. Yes; but then that don't generally settle anything permanently.

Acting Chairman WEINSTOCK. No. Now, do you think that by adopting the system prevailing in other industries, adopting it in yours, you will minimize the cobblestones and brickbats?

Mr. HALL. Yes; if the employer would not always forget this one point: That the fellow who presents the employees' side should not be punished for his efficiency in representing their side. There must be some pressure put on that side to show him that he is creating a dangerous condition of society. If you, Mr. Commissioner, make my life a nightmare and won't permit me through some channel which you control to live, I will not be a law-abiding citizen very long. The animal will predominate then and I will fight back. That is a fact, isn't it?

Acting Chairman WEINSTOCK. That is all, Mr. Hall. Thank you, very much.

TESTIMONY OF MR. JOHN BREEN.

Mr. BUSIEK. Mr. Breen, please, for the purposes of the record, state your full name.

Mr. BREEN. John Breen.

Mr. BUSIEK. And you are in the carpet industry?

Mr. BREEN. In the tapestry carpet industry.

Mr. BUSIEK. Are you at present employed?

Mr. BREEN. Not at present employed.

Mr. BUSIEK. Are you an official of any labor union representing your industry?

Mr. BREEN. Tapestry Carpet Workers of Philadelphia.

Mr. BUSIEK. What is your position?

Mr. BREEN. We call it speaker. I believe it should really be grievance officer.

Mr. BUSIEK. How long have you been in the carpet-weaving industry in Philadelphia?

Mr. BREEN. Thirty-two years.

Mr. BUSIEK. How long have you been a member of this organization?

Mr. BREEN. Since its organization in 1902.

Mr. BUSIEK. About how many men are there in your industry in Philadelphia?

Mr. BREEN. About 2,000—no, no; about 1,400.

Mr. BUSIEK. About what per cent of those are organized?
Mr. BREEN. About 800 or 900.
Mr. BUSIEK. About 60 or 65 per cent, would you say?
Mr. BREEN. Sixty-five per cent.
Mr. BUSIEK. Your organization is connected with the United Textile Workers, is it?
Mr. BREEN. Yes.
Mr. BUSIEK. Of the American Federation of Labor?
Mr. BREEN. Yes, sir.
Mr. BUSIEK. You say your organization was first undertaken here about 1902 or 1903?
Mr. BREEN. 1902.
Mr. BUSIEK. What is the average wage of the journeyman carpet weaver in Philadelphia?
Mr. BREEN. On full time?
Mr. BUSIEK. On full time.
Mr. BREEN. The average wage is about $12.
Mr. BUSIEK. And what is his average earnings?
Mr. BREEN. Average earning this last five years is about $9.
Mr. BUSIEK. Are there any women in that branch of the work?
Mr. BREEN. No women; they have been eliminated. Women were in it about 20 years ago.
Mr. BUSIEK. Is the work too heavy for women?
Mr. BREEN. Too heavy.
Mr. BUSIEK. Does it require a man—a physically strong man—to do that work?
Mr. BREEN. Yes, sir; it does.
Mr. BUSIEK. Any boys under 16 in that line of work?
Mr. BREEN. No; not in the weaving.
Mr. BUSIEK. Then I take it the men are all mature men, such as become heads of families and are——
Mr. BREEN (interrupting). Well, I would say that 19 is the limit, I believe—about 19. He would need assistance if he was younger than that, unless he was physically exceptional.
Mr. BUSIEK. What has been your experience in regard to disputes with employers—that is, the experience of your organization? How frequently do you have trouble with the employers for various causes?
Mr. BREEN. In 1893, during the depression, or rather the framing of the Wilson tariff bill, there was a general reduction of wages throughout the country. At that time the manufacturers of Philadelphia placed notices throughout the various shops reducing the help, I believe, 17½ per cent. That was the figure in Dobson's mills, Falls of Schuylkill. At that time a meeting of the employees was called and that was held at Stinson's mills in the finishing room; and George Earnshaw, a man who was well acquainted with the trade throughout the world, acted temporarily as chairman; and after it had been stated that a wage reduction of from $3.60 per hundred to $2.97 per hundred was necessary he was asked the question if it was not a fact that in Kidderminster, in England, they were at that present time paying $3.50 per hundred and he refused to answer the question——
Mr. BUSIEK (interrupting). Well, what is your knowledge on that subject?
Mr. BREEN. That it was a fact, that they were paying $3.50 at Kidderminster at that time when the employers here reduced the wages to $2.97 per hundred.
Mr. BUSIEK. That means that the English workman was higher paid——
Mr. BREEN (interrupting). Per unit of product. Now, in August, 1901, prior to the organization of this union, the tapestry employees went on a strike to force the manufacturer to agree to return some of that that they had taken off. After a period of three weeks they agreed to give us 10 per cent—Mr. Dobson did. At that time there was an attempt to bribe, on the part of some of the bosses. In fact, the foreman of the tapestry department came out and spent a lot of money; if any names are wanted I haven't any hesitancy to make mention of names. Also the assistant superintendent came out and spent money on that occasion.
Mr. BUSIEK. The assistant superintendent of what mill?
Mr. BREEN. Of the Dobson mill. The following February we organized the trade in Philadelphia, and on the 8th day of May of that year we went out on strike——

Mr. BUSIEK. (interrupting). Just a moment. Mr. Spencer, of the Dobson mills, asked me to request you to give the names; and in view of that fact——

Mr. BREEN (interrupting). Yes, sir; sure. Charles Meadowcroft was the man who came to me and offered to give me some inducements—rather to promote me in the mill, if I would encourage the men to go back to work.

Mr. BUSIEK. Was he in connection with the Dobson mills?

Mr. BREEN. He was in charge of the weaving department, the starching department, and partly in charge of the finishing room. He at half past 9 in the morning gathered large numbers of weavers together and brought them into the saloon of Peter Miller and stayed there until half past 8 or 9 o'clock spending money. The assistant superintendent, who was John Denton, came in about 2 o'clock, and I said to Mr. Meadowcroft this: "Boys, don't say a word. I will prove the statement that I have made to you to be true." And I said to Mr. Denton, the superintendent, "Now, Mr. Denton, I hear you are at the other end of the Falls blowing yourself." Mr. Denton said, "Oh, this is not strike money I was spending. It was political money." And I said to Mr. Meadowcroft, "Are you satisfied?" But nevertheless, we won that strike. That was 10 per cent of the 17½ per cent that was taken off. This was in August, 1901. In February of 1902 we finished an organization throughout Philadelphia. On the 8th day of May, 1902, we went on strike in Philadelphia for some more of that which was taken off, and after 13 weeks of that strike we won 10 more per cent, or 11.8 per cent, to be accurate. In the eleventh week of that strike the foreman of the fire department of the Falls of Schuylkill Mill, Mr. McGeehan, came up to me and said to me, "I have a proposition for you. Can I speak to you this morning on it?" I says, "I don't know. Of course, I will talk to you." "Well," he says, "I am only a messenger in this case and we have a job for you as long as you live and the salary will be twice the amount that you have ever received in your life, and a money offer will be given to you through a political friend of yours," which I afterwards discovered to be Mr. Delahunty, the monument man, who works opposite North Laurel Hill. "All the debts you have incurred during these last 11 weeks shall be paid. All that is necessary for you to do is to take this job; and the other men are getting work wherever they choose and can get it."

Mr. BUSIEK. Where did he want you to take a job?

Mr. BREEN. He did not say; but we are coming to that. I think the commissioners should know these things, because these are the things that are injuring the cause of the workingmen and therefore taking certain amounts of money out of circulation. I said to the foreman of the fire department, "Go back and tell the man or the set of men that sent you that all the money in the city of Philadelphia would not make John Breen betray his fellow men." I called together the executive committee of the city, being chairman of it, and I stated to them, "It is all over but the shouting, but you have got to get the pickets to do their duty." And 10 days after that the firms had to give way.

Now, in reference to the breach of contract on the part of Mr. Dobson: Six weeks after we returned to work—the firms, of course, having decided to pay the scale of wages, 10 per cent increase over what it had been—six weeks about after that Thomas Russell, then being boss over the weaving department of Dobson's mill, came down and placed a notice reducing a certain grade of work which there were only three looms doing at that time, from $5.15 to $4.68; or, in other words, 47 cents per hundred yards less, and 8 cents less than we were getting before we went out on the strike on the 8th of May. I was one of those workmen that was on that job. The purpose was ulterior. There is no question about this. And I refused naturally to continue on the work until I had seen Mr. Dobson. The next morning in going in to see Mr. Dobson I was handed my envelope. Now, Mr. Russell was the boss at that time. Afterwards he lost that job, and is now a member of our union, and without any hesitancy he makes the statement that before he was employed as the boss he was asked to see that I got discharged. Apparently they did not have the hardihood to do it themselves and had to get this man. Now, in that same year, or the early part of 1903, we had another strike over setting the standards for the three shots—that is, two shots at the top and one at the bottom; and two shots was put in between the wire, because there is a blade on one side of it that strengthens and holds the worsted together. That strike was nine weeks. That strike was also a victory for the workers.

In 1903, this same year, the 55-hour movement was taken up and we entered into that and our industry won that with the exception of Dobson's mill. After

14 weeks Mr. Dobson was successful, but I would like to state to the commissioners that on the fifth week of that strike James Dobson—his brother is dead now—did state to a committee of our union, "We will give you the 55 hours. You have taken our men out. Now, fetch them in again." But, unfortunately, an overenthusiastic member of our union, who also was a member of a band, got this band to go out parading; and at 8 o'clock that evening another turn was taken. Mr. John Dobson made the statement, I believe, that he would undo it all, with a certain remark he made. He got tiffed about the matter and he undid the whole thing. I believe at that time, had Mr. John Dobson not have interfered, the 55 hours would have been in effect after that.

Now, in 1906 we had another short affair of six weeks with the firm of Rogers & Hirsh, and that was settled in our favor to a small degree.

In 1910 there was a 17 weeks' strike in the tapestry trade, and it ended in a general increase of all of the help of 5 per cent.

November 23, 1911, the tapestry-carpet manufacturers appealed to the unions to accept a reduction of 20 per cent. Some of the reasons are these: "That owing to the high prices you have to pay your employees you are unable to compete with the Alexander Smith firm, owing to their placing their goods from 75 cents to $2.75 per rug less than former prices were; and owing to the fact that they pay less wages in Smith's you can not sell your goods at these prices and pay the wages you are paying now." This is our answer, or a part of our answer, to the request of the manufacturers. Now, this, you remember, is the 23d of November, 1911. Secondly, that there are all indications of reductions in tariff at coming session of Congress, and in the face of this, all probabilities that a Democratic President will be elected, which will mean industrial conditions—this was on November 23, 1911. One of the manufacturers, John Gay—I don't know whether he is present or not—made a statement to me that things would be bad because of the injection in politics of college professors. I asked Mr. Gay if he had any particular college professor in mind, but he said no.

Now, this appeal for a reduction of 20 per cent naturally was refused and the 20 per cent was still kept in circulation, because it was in the hands of our consumers, and that was adding to the trade rather than restraining it 20 per cent; and that apparently is what is bothering the people, particularly our legislators. Now, this work——

Mr. BUSIEK. (interrupting). Now, who is this firm of Alexander Smith?

Mr. BREEN. They are the largest carpet manufacturers in the world.

Mr. BUSIEK. Where are they located?

Mr. BREEN. Yonkers, N. Y. They have a different system of weaving——

Mr. BUSIEK. A patented machine?

Mr. BREEN. No. They have men running the backs, and women running some of the machinery; but they do nothing—the women—but simply fill shuttles. They don't do any meshing or putting in the warps. In fact, they don't know how to weave, only to fill shuttles. But here in Philadelphia we do the whole thing.

Mr. BUSIEK. Are the men in Alexander Smith's organized?

Mr. BREEN. No.

Mr. BUSIEK. Would you still object to working on that same plan——

Mr. BREEN. What is that?

Mr. BUSIEK. Are your unions opposed to working in the same way the Alexander Smith mills do—that is, have women helpers?

Mr. BREEN. Do you mean without organization?

Mr. BUSIEK. No; I mean couldn't the Alexander Smith weavers make as much money as your weavers make?

Mr. BREEN. No, no; they can not. They do not pay them the money. And so far as working without organization is concerned, if we do not have a labor organization we can not have the publicity that is absolutely necessary. In fact, I do not suppose there would be such a commission in Philadelphia here to-day if labor organizations did not give their grievances this publicity. This commission would not be in existence.

Mr. BUSIEK. Have there been any labor-saving devices introduced in machinery in the last few years in your craft?

Mr. BREEN. Labor saving?

Mr. BUSIEK. Yes.

Mr. BREEN. No, sir. There has been greater producing machinery. I will state that when I started 32 years ago the loom was going the maximum rate

of speed of 70 picks—that is 70 times a minute. Now they are running anywhere up to 120. That is the maximum. They can run that. The weaver has to work just that much harder. He has got to produce just that much more work; and any damage that occurs goes that much farther and he has to rip out the cloth just that much farther and has got to put in that many more warps. He has to print the chain and back, which is the stuff. They come out just so much oftener and he puts them in. Of course he gets paid, but it is only because of labor organizations, does he get paid for the work that he is doing. He gets paid for that, but still there is a loss.

Mr. BUSIEK. Has the two-loom system increased, or has that entered into the tapestry weaving?

Mr. BREEN. It has only been attempted by Charles Maslin at Amber and Westmoreland Streets and was attempted two yearse ago now this coming summer; but was a failure. That is, I mean to say, there was a strike. That was an open shop, but there was a strike on there and they changed the loom—had 20 looms changed; I believe 20 was the number.

Mr. BUSIEK. Do you suppose high-speed machines put any of the weavers out of work?

Mr. BREEN. Well, I don't think so; I don't think they have. I think they really need the work. Of sourse there would have been—they would have been put out of work if we had learned everybody that came along the line, but to protect ourselves naturally we, who had a right to say who we learned, refused to learn only when the trade needed it.

Mr. BUSIEK. So you held down the number of apprentices?

Mr. BREEN. Yes, sir.

Mr. BUSIEK. Until the trade absorbed those men who would have otherwise been idle?

Mr. BREEN. Yes, sir. Now, there is a strike on at the present moment. Two in fact. One at Fifty-sixth and Lancaster, the Overbrook Carpet Co., and the other is at Oxford and Hedge Street, in Frankfort. That strike is in progress now since the 16th of December, 1911. And this was a breach in contract on the part of the Overbrook Carpet Co., and also on the part of the Alva Carpet Co. Here is a sworn statement by nine members of our organization

Mr. BUSIEK. Just its general purport, and then file the statement.

Mr. BREEN. The Overbrook Carpet Co. agreed with our organization committee, officers of the tapestry carpet organization to pay the same wages as the other manufacturers who were agreeing with us collectively. This they refused to do after the other manufacturers had signed an agreement with us, taking advantage of the other manufacturers, and also of their employees.

Mr. BUSIEK. Let me get this. Did those manufacturers sign an agreement with the unions?

Mr. BREEN. Yes, sir.

Mr. BUSIEK. Or recognize the unions as such?

Mr. BREEN. Yes.

Mr. BUSIEK. And this concern you are now speaking about merely had a verbal agreement with some of their workers and agreed——

Mr. BREEN (interrupting). Not with their workers, but with the officials of our organization.

Mr. BUSIEK. And agreed to abide by such conditions as were imposed in union shops?

Mr. BREEN. Yes, sir; and after the signing of the contract on the 1st of December, and on the 16th called the strike with us.

Mr. BUSIEK. If you will file that with the stenographer, or have a copy of it prepared.

Mr. BREEN. This I will expect you to return.

Mr. BUSIEK. Very well. We will have the reporter copy that into the record, then.

(The contract referred to is as follows:)

In the Court of Common Pleas, No. 4. For the County of Philadelphia. In equity, March Term, 1912—No. 6012. Overbrook Carpet Co., *v.* John Breen, John Dyson, Stephen Wood, William Lawler, Edward McGlinchy, Grover Hess, Thomas Tully, Frank Tully, Walter Brooks, Frederick Schofield, Peter Rice, George Mason, Sidney Mason, Thomas Garrity, William Riegle, Michael Zampetta, Chas. Gillespie, John Brieley, and Harry Marshall.

ANSWER ON BEHALF OF ALL DEFENDANTS EXCEPT FRANK TULLY.

To the honorable the judges of the said court:

John Breen, John Dyson, Stephen Wood, William Lawlor, Edward McGlinchy, Grover Hess, Thomas Tully, Walter Brooks, Frederick Schofield, Peter Rice, George Mason, Sidney Mason, Thomas Garrity, William Riegle, Michael Zampetta, Tony Zampetta, Chas. Gillespie, John Brieley, and Harry Marshall, saving and reserving to themselves all and all manner of exceptions to the manifold errors in said bill contained, for answer thereto, or to such part thereof as they are advised it is necessary and material for them to answer, say:

First. We admit the averments contained in the first paragraph of complainant's bill.

Second. We deny the averment contained in the second paragraph of complainant's bill, and aver that in addition to the respondents mentioned therein, Frank Tully, one of the respondents, and William Riegle were not, prior to the 1st day of December, 1911, workmen in the employ of the complainant.

Third. It is not true, as set forth in the third paragraph of complainant's bill, that the respondent John Breen has been engaged with the other respondents, and with other persons in the organization and direction of the actions described in complainant's bill; that such statement is absolutely false. It is true, as avered in said third paragraph, that Michael Zampetta and Tony Zampetta entered the employ of the complainant subsequent to the 3d day of January, 1912, but have since that time left the complainant's employ.

Fourth. That it is not true, as avered in the fourth paragraph of complainant's bill, that on or about November 29, 1911, the complainant discharged the defendants, other than John Breen, Michael Zampetta, and Tony Zampetta. That said respondents were not discharged, but were laid off, and the reason given by the complainant at the time was that they were without orders sufficient to continue the employment at that ime.

Fifth. That it is not true, as set forth in the fifth paragraph of complainant's bill, that on or about the 8th day of December, 1911, certain of complainant's discharged employees claiming to be a committee representing all of said discharged employees called at the office of complainant and stated that they proposed to declare a strike against complainant. That it is not true, as set forth therein, that the employees were discharged. That it is true that a committee composed of the officers of the printers' and weavers' unions did call at the complainant's office. That at said meeting they requested that the complainant thereafter recognize said unions in the carrying on of said work with said employees. That it is not true, as set forth in the said fifth paragraph that the complainant offered to setters who were formerly in its employ daywork with wages at the rate of $15 a week. That the only offer made was at the rate of $12 per week, with the exception of an offer to a few women employees to complete certain work at the rate of $15 per week. That it is not true, as set forth in the said fifth paragraph of complainant's bill, that the wages of $16 per week for weavers is in excess of the regular rate for such work. That the setters mentioned in said fifth paragraph of complainant's bill usually work by piecework, at which they are able to earn at the regular rate for such work the sum of $18 and $20 and upward a week.

That it is true that setters and weavers declined to accept the work as alleged in said fifth paragraph.

Sixth. We admit that the complainant is unable to procure all of its former employees to return to work for it, in accordance with the terms offered them, as set forth in the sixth paragraph of complainant's bill, but we aver that all of the former employees who were procured by the complainant were one printer, two setters, and a loom fixer. We admit that the complainant has supplied some of the places of employees who declined to return to its employment with other employees. We deny, however, the averment in the said sixth paragraph of complainant's bill, that we are by means of practices therein recited unlawfully interfering with the complainant's business and endeavoring to prevent complainant from carrying on its business.

Seventh. We deny the averment in the seventh paragraph of complainant's bill, that any of the respondents congregate around in the neighborhood of complainant's mills for the purpose of intimidating employees and applicants for work from going to work or accepting work from your complainant.

Eighth. We deny that the respondents are picketing the complainant's works to interview and dissuade workmen from applying for or continuing employment with complainant. We admit, however, that certain of the respondents have interviewed workmen employed by the complainant and have in a peaceable and lawful way attempted to persuade the said workmen to become members of the respondents' unions, and have endeavored to show such employees that the wages they were receiving from complainant were lower than those paid for the same class of work by competitors of complainant in Philadelphia.

Ninth. We deny that the respondents, or any of them, are harassing and annoying the complainant's employees, and applicants for employment, as set forth in the ninth paragraph of complainant's bill. We admit that certain of the respondents and officers of their respective unions have interviewed said employees and applicants on the streets and at their homes and in a peaceable and lawful way have attempted to persuade them to become members of respondents' union. That it is not true, as averred in the said ninth paragraph, that the respondents have threatened the said employees or applicants with physical violence, or called them names, or by various other devices attempted to annoy, frighten, or influence them so that they would refuse to work for complainant. That, as above set forth, all that the respondents have done as far as the complainant's employees or applicants for employment are concerned is to attempt to peaceably persuade them to become members of respondents' unions by showing to them the advantages of such unions and by showing to them that the wages paid by complainant are not the fair and regular wages paid by other firms in the same line of manufacture, and that it is to their interest, and to the interest of all workmen, that the wages paid should be the fair and reasonable, and market prices for such work, and that it is to their interest, in order to secure the same, that they should become members of and participate in the workings of said unions.

Tenth. We deny the averments contained in the tenth paragraph of complainant's bill, that the respondents are, by violence and threats of physical violence, assaulting and intimidating complainant's employees and intending applicants for employment.

Eleventh. We deny the averments contained in the eleventh paragraph of complainant's bill.

Twelfth. We deny the averment contained in the twelfth paragraph of complainant's bill, that the general management and direction of the various acts of respondents thereinbefore set forth in complainant's bill has been in the hands of the respondent, John Breen. We deny the averments as to the various acts of respondents as set forth in said bill. We deny that the respondent, John Breen, has organized the attacks which have been made on your complainant's employees from time to time. We aver, on the contrary, that such allegation is absolutely false. We admit that the said John Breen has never been in the complainant's employ, but we deny that he has no business in the vicinity of complainant's mills. That the respondent John Breen is secretary of the organization committee of the Tapestry Carpet Weavers Union, No. 2, and as such has business in the vicinity of complainant's mills in the interest of the members of said union. We deny that the said John Breen has been directing in various ways any unlawful acts whatever.

Thirteenth. We deny the averment contained in the thirteenth paragraph of complainant's bill, that the respondents, or any of them, have joined in any unlawful practices set forth in complainant's bill. For further answer to the complaint's bill, respondents aver that the complainant has been in existence and carrying on business for a period of about three years. That immediately after beginning business complainant made an agreement with committees and representatives of the tapestry carpet weavers and workers' union and the tapestry carpet printers and fillers' union, by which the complainant agreed verbally, through its duly authorized officers, that it would recognize the said unions, to which the respondents belonged, and would pay the same rate of wages and grant the same conditions as were paid and granted by other manufacturers of the same goods in the city of Philadelphia. That complainant duly carried out its agreement until the latter part of November, 1911, when it notified its employees that it would have to close down, by reason of it being out of orders, for an indefinite time. That the purpose of complainant in pretending to close down its mills for, as it alleged, an indefinite time, was to secure a reduction of wages that had been theretofore paid, and in violation of its agreement made with said union. That prior to the latter part of November, 1911, the complainant had recognized the respondents'

unions, and had granted its employees the same wages and conditions as to work as were then being paid and granted by the other manufacturers of the same goods in the city of Philadelphia, as aforesaid. That after having sent its employees away in the latter part of November, 1911, as aforesaid, it sent for certain of its former employees and notified them that it had work, but at a reduction of wages running from 20 to 30 per cent, and which would make the wages paid by the complainant to its employees 20 to 30 per cent less than paid by other manufacturers of the same goods in the city of Philadelphia. That the complainant did this in violation of its agreement with the respondents' unions, that it would pay the same rate of wages as paid by the other manufacturers of the same goods in the city of Philadelphia, and in further violation of its agreement, that it would recognize such unions. In December of 1911 it gave notice that thereafter it would not in any way recognize respondents' unions. That by reason of the violation of the agreement on the part of the complainant made with the respondents' unions, its members have since refused to work for complainant, as the respondents and former employees of complainant feel that they should be paid the same wages and granted the same conditions as paid and granted by other manufacturers of the same goods in the city of Philadelphia for such work.

That it was pointed out to the complainant that the said unions had secured agreements from other manufacturers of the same goods in the city of Philadelphia, providing for a schedule of wages for a definite period. That it would be unfair to the other manufacturers to work for complainant for less wages and under more unfavorable conditions.

That the whole difficulty that has arisen between the complainant and its employees has arisen over the fact that complainant attempted to violate its agreements by reducing the wages below the fair and reasonable market prices in the city of Philadelphia for the same. That neither the respondents or other employees who were members of the respondents' unions have done anything in violation of complainant's rights, and have committed none of the unlawful acts mentioned in the complainant's bill.

Wherefore the respondents pray that the bill may be dismissed and they be allowed their proper costs.

HEPBURN, CARR & KRAUSS,
Solicitors for Defendants.

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

John Breen, John Dyson, Stephen Wood, William Lawlor, Edward McGlinchy, Grover Hess, Thomas Tully, Walter Brooks, Frederick Schofield, Peter Rice, George Mason, Sidney Mason, Thomas Garrity, William Riegle, Charles Gillespie, John Brieley, and Harry Marshall being duly sworn according to law, depose and say that the facts set forth in the foregoing answer are true and correct to the best of their knowledge, information, and belief.

Sworn to and subscribed before me this —— day of June, A. D. 1912.

[SEAL.] ——— ———,
Notary Public.

Mr. BUSIEK. Mr. Breen, to what do you attribute the fact that you do not, since these people are enjoying the union benefits and more could be enjoyed perhaps by a stronger organization, that you do not unionize the trade more thoroughly in Philadelphia?

Mr. BREEN. Well, I will state one of the great reasons is the ambition on the part of some of the men to become bosses, even though they receive salaries much below that the position they fill would require. That is one of the reasons and I will state an instance——

Mr. BUSIEK. That reason will be sufficient without any illustration.

Mr. BREEN. If it be understood, all right; but we are not the ablest people in the world when it comes to education. I would like to illustrate, if that will make it plainer.

Mr. BUSIEK. Very well.

Mr. BREEN. In the Dobson's, a gentleman was boss of the weavers; there were seven loom fixers who were working piecework. Mr. Meadowcroft, and I believe this to be a fact, I am sure it was a fact, was receiving $18 a week whilst the loom fixers who were working piecework were making from $25, $27, $29, and $30 a week, and a controvery arose. And that was the ultimate cause of the bringing of those loom fixers' wages down, because of a suggestion on the part of the boss that the men were making more money than he

was. In many instances, and I know of men who were willing to take positions for $15 a week whilst the men working under them were receiving larger. That is one of the reasons.

Another reason why the workmen are not prone to belong to the labor organizations is simply because they believe it necessary to sacrifice the leader from time to time, and also they are afraid to abide by the ultimatum from the labor organizations. They are afraid to belong to them, afraid of being spotted, and they do not like to be selected as members of committees, do not like to be forced or requested by the organization, which means a demand of the organization if the organization is right, when requested to go to their employers they are afraid of the black list that ultimately comes.

Mr. BUSIEK. So there is a black list in Philadelphia, to your knowledge?

Mr. BREEN. Oh, yes; there has been a black list. I myself have been blacklisted four times.

Mr. BUSIEK. That is, you have been refused employment at the shop where you formerly worked?

Mr. BREEN. Discharged absolutely.

Mr. BUSIEK. Does that black list extend to other manufacturers with whom you have never had dealings?

Mr. BREEN. Dobson told me, after I led him to make a statement, that he did speak of the matter of Mr. Maseland over the phone—I don't know; I guess he got hot.

Mr. BUSIEK. Who is Mr. Maseland?

Mr. BREEN. A member of the firm of Maseland Bros. on Westmoreland Street.

Mr. BUSIEK. It is stated that the American workmen receive less per unit, did receive less per unit in 1893 than the English workmen?

Mr. BREEN. Yes, sir.

Mr. BUSIEK. Do you know how those rates compare now?

Mr. BREEN. Yes, sir.

Mr. BUSIEK. At the present time?

Mr. BREEN. Yes, sir; I believe to-day the general average pay per unit in tapestry carpet is less in America than in England. It is not generally understood, but nevertheless it is a fact and I know it.

Mr. BUSIEK. Have you any figures on that?

Mr. BREEN. We can get them.

Mr. BUSIEK. I wish you would get them and submit them to the commission.

Mr. BREEN. Very well.

Mr. BUSIEK. Is there something further you wish to say?

Mr. BREEN. Yes; I would like to say to the commissioners that the commissioners should ask a little further the workmen as to their opinion of the cause of the great depression that exists in business generally. They should not pass them up simply because they have not got the education. They should ask us about the general condition with the employer. They should ask the employer about our business and get it all out. My opinion is, if this—the cause of the great depression in business is and has been, and it may be generally understood or not, but I am going to say what my opinion is so you will know it. My opinion is that there is only two channels whereby money will go out in circulation, only two, and that is the difference between the reasonable and the exorbitant price of the commodities and necessities of life generally and the difference between the reasonable and the unreasonable wage or incomes of the great rank and file of the people.

On the top the difference is because by the concentration of the efforts of a few, which is un-American—on the bottom—which causes restraint of trade, money taken out of circulation. On the bottom it is generally assumed that labor organizations are a trust, that it does restrain trade but it does not. Anything that adds to the volume that ought to be in circulation certainly does not restrain any trade.

I think these things should be noted. It has been admitted—Philadelphia—by some of the men who testified here, that the wages in Pennsylvania in various of the industries is one-third less in Philadelphia. That one-third less that is paid here in Philadelphia than in other places is just one-third less out of the pockets of the consumer, and if organized labor has raised the wages, the 3,000,000 organized laboring people of this country has raised the wages, what is the the other 27,000,000 doing? Isn't it a fact that if those other 27,000,000 people was getting the same wages as the organized people, that all of that money would be added into circulation, and if all the consumers were spend-

ing that much more money wouldn't the producer or the producer of the material have that much more to be taken out of the earth? Wouldn't that again add to the volume of money and help?

It appears to me that the great point is that we want honest legislation at Washington, and honest workingmen that are willing to offer sacrifices for the mistakes of their fathers; don't we know here that if we make mistakes of any kind that we are going to hand that mistake to posterity? Do you expect that posterity will ever expect to overcome our mistakes without a sacrifice?

Now, I think that, as I said before, labor organizations can not or must be at this time—they must protect themselves, and, as I said before, you never—this committee would never be in existence but for the publicity brought about by labor organizations.

That is all I wish to say on that. Is that true, Mr. Chairman?

Acting Chairman WEINSTOCK. Will you be here at 2 o'clock, Mr. Breen?

Mr. BREEN. Yes, sir.

(At 12.30 o'clock a recess was taken until 2 o'clock.)

AFTER RECESS—2 O'CLOCK P. M.

Acting Chairman WEINSTOCK. You may proceed, Mr. Busiek.

Mr. BUSIEK. Mr. Breen, will you please resume the stand?

TESTIMONY OF MR. JOHN BREEN—Continued.

Acting Chairman WEINSTOCK. The statement was made this morning, Mr. Breen, I think by yourself, if not by yourself, then by some other labor representative, that the average wage paid in Philadelphia is about one-third less than that paid in other cities?

Mr. BREEN. Why——

Acting Chairman WEINSTOCK (interrupting). Did I understand that correctly?

Mr. BREEN. No, sir; I stated that one of the witnesses before the commission last week made such a statement.

Acting Chairman WEINSTOCK. Oh, yes. In how far do you think that statement is correct?

Mr. BREEN. I find that to be correct in our own business.

Acting Chairman WEINSTOCK. In the tapestry business?

Mr. BREEN. Yes, sir.

Acting Chairman WEINSTOCK. That the wages paid here in Philadelphia in the tapestry business are one-third less than the wages paid in other tapestry centers?

Mr. BREEN. No, sir; the reverse; that is, the Philadelphia tapestry workers are organized.

Acting Chairman WEINSTOCK. I see. Do the wages in the tapestry industry here compare with the wages in other localities?

Mr. BREEN. In Thompsonville, Conn., where they are unorganized, there is the two-loom system; also in the Smith, of Yonkers, N. Y.; Amsterdam, in Orange County, N. Y.—I think it is Orange County; and also in Riffton Glen, N. Y.

Acting Chairman WEINSTOCK. Are the wages lower than they are here?

Mr. BREEN. They are lower than they are here.

Acting Chairman WEINSTOCK. Of your own knowledge, do you know of any industries where the wages are one-third less than they are elsewhere?

Mr. BREEN. To my knowledge?

Acting Chairman WEINSTOCK. Yes.

Mr. BREEN. No, sir; not in the textiles.

Acting Chairman WEINSTOCK. Do you know of any industry where the wages are one-third lower?

Mr. BREEN. Only from hearsay of people who come from different parts of the country; that is all, because I was never myself away.

Acting Chairman WEINSTOCK. Then all that you do know on that score is purely from hearsay?

Mr. BREEN. From the testimony as I heard here, and that, of course, I am supposed to believe.

Acting Chairman WEINSTOCK. Are you at all familiar with the cost of living in Philadelphia and the cost of living in other large cities? Do you know

of your own knowledge? Have you ever had an opportunity or the means of investigating and comparing notes that would enable you to say authoritatively whether the cost of living in Philadelphia is higher or lower than elsewhere?

Mr. BREEN. I don't think so; I think you could get men who are more fitted—more fitted witnesses than myself, because I have not been away very much; in fact, not at all.

Acting Chairman WEINSTOCK. Then you could simply express opinions based upon hearsay?

Mr. BREEN. Based upon knowledge that I derived from the public press.

Acting Chairman WEINSTOCK. That is all, Mr. Breen.

(Witness excused.)

TESTIMONY OF MR. ARTHUR SPENCER.

Mr. BUSIEK. What is your position, Mr. Spencer?

Mr. SPENCER. I am a director in the concern of John & James Dobson (Inc.).

Mr. BUSIEK. You are one of the directors?

Mr. SPENCER. Yes, sir; managing director.

Mr. BUSIEK. How long have you had that position, Mr. Spencer?

Mr. SPENCER. The director's position, only the last 18 months, when the concern was incorporated.

Mr. BUSIEK. Well, have you worked for the concern in a directory capacity for a longer period than that?

Mr. SPENCER. Been with the concern about five years.

Mr. BUSIEK. What does your concern manufacture?

Mr. SPENCER. Carpet-pile fabrics, worsted, woolens, worsted spinnings, yarn spinning.

Mr. BUSIEK. Any tapestry work?

Mr. SPENCER. Yes, sir.

Mr. BUSIEK. How many people do you employ out there?

Mr. SPENCER. Well, in the carpet and plush mill we employ about 1,800 at the present time.

Mr. BUSIEK. And how many when you are running increased capacity?

Mr. SPENCER. Full capacity, run about 2,200.

Mr. BUSIEK. Is there a depression in business now?

Mr. SPENCER. Quite so; yes.

Mr. BUSIEK. How many people have you working for you under the age of 16 years, approximately?

Mr. SPENCER. About 150.

Mr. BUSIEK. What are the wages paid these minors?

Mr. SPENCER. I paid—the lowest wage paid at the carpet mill is $6; it runs from $6 up; only a small proportion of them would get the $6; another proportion would get $7, and perhaps up to $8.

Mr. BUSIEK. In what department do those children work?

Mr. SPENCER. Work in the worsted spinning as doffers and spinners and the silk winding, principally, or spooling.

Mr. BUSIEK. How many women do you employ, Mr. Spencer? Approximately?

Mr. SPENCER. I would not like to say exactly. I did not look that up. I should think we employed almost as many women as we do men—no, not as many; probably 40 per cent of them.

Mr. BUSIEK. What hours do you have in your plant?

Mr. SPENCER. Fifty-four hours a week.

Mr. BUSIEK. In all departments?

Mr. SPENCER. Yes.

Mr. BUSIEK. You pay by the piece rate, do you?

Mr. SPENCER. Some is piecework; the majority, I think, is daywork.

Mr. BUSIEK. What class of work is piecework?

Mr. SPENCER. Weaving is entirely piecework, except exceptional cases, where the work is bad, or something like that. Our burling is piecework, and one or two other departments not employing a great many people; but the majority of it is daywork, barring the weaving.

Mr. BUSIEK. What is the average wage of the weavers?

Mr. SPENCER. I think in our velvet department they will make about $13 a week; they should make a little more in the plush department—averaging $12 to $13 there, too.

Mr. BUSIEK. You say that in the plush department they make more?

Mr. SPENCER. They should make more; yes, sir; there. I think, as a matter of fact, they are making at least $12 a week, and some of them making $18.

Mr. BUSIEK. Do any of what might be termed journeymen weavers, men who have learned their trades, make less than these amounts you have named?

Mr. SPENCER. Not unless they are exceptionally poor weavers.

Mr. BUSIEK. What is the highest that a good weaver makes?

Mr. SPENCER. Twenty or twenty-one dollars.

Mr. BUSIEK. Are you familiar with the trade in general, outside of Philadelphia—that is, as to hours of labor and wages paid?

Mr. SPENCER. I think fairly so.

Mr. BUSIEK. Well, state what you can as to how Philadelphia wages compare with competing mills, and also how hours compare with competing mills.

Mr. SPENCER. Well, certainly in the carpet trade wages paid here are much larger than are paid all throughout New York State, where our competition comes from. The hours I don't know about there.

Mr. BUSIEK. But you pay on a unit basis?

Mr. SPENCER. We pay so much per yard, depending on the grade of goods we are weaving.

Mr. BUSIEK. And your yard cost is higher than competing parts?

Mr. SPENCER. It certainly ought to be; has to be.

Mr. BUSIEK. I believe there is a strike on at your mill now, is there not?

Mr. SPENCER. Yes.

Mr. BUSIEK. Do you know the cause of this strike?

Mr. SPENCER. It appeared for some time that the experienced weavers on a finer grade of goods were not able to make more than $12 a week, whereas the inexperienced weavers, or the weavers that were fortunate enough to have coarse work in their loom, were running up to $17, $18, and $20 a week. That made a great discontent with the good weavers, and whenever a loom was changed from the coarser onto a finer grade of goods, the weaver would object to it, and it seemed hard that all our best weavers should be making the least amount of money, so a general readjustment was made in the wages paid, and it was put on a pick basis, with various increases, depending on the set, whether it was finer work or not.

Mr. BUSIEK. Did you decrease or increase the total wages paid in your shop?

Mr. SPENCER. I think the total would probably have gone up, the gradual tendency is toward finer work in that department, which would naturally mean an increase rather than a decrease.

Mr. BUSIEK. But the idea was to make the workers working on the poorer grades of stuff take care of the increase which you were going to give to the workers on the better grades of stuff?

Mr. SPENCER. Yes.

Mr. BUSIEK. Have you an employers' association, here in Philadelphia, of textile manufacturers?

Mr. SPENCER. What do you mean by that?

Mr. BUSIEK. An association of the textile manufacturers for any purpose whatsoever?

Mr. SPENCER. None that I know of.

Mr. BUSIEK. Your firm is not a member of any association?

Mr. SPENCER. Probably a member of some association, but I don't know. Well, probably an association of woolen manufacturers, or something, but I don't know anything about it.

Mr. BUSIEK. You don't know anything about the purposes of this association?

Mr. SPENCER. No, sir.

Mr. BUSIEK. Yours has always been what is known as an open shop?

Mr. SPENCER. I believe so.

Mr. BUSIEK. Do you refuse to deal with the unions as a body?

Mr. SPENCER. Yes, sir.

Mr. BUSIEK. What is your attitude toward membership in unions by your workers?

Mr. SPENCER. We pay no attention to that whatsoever. They probably, and I suppose the majority of our workers, do belong to unions. We have no objection to them belonging to it, but we want to deal with our people as our people, and not with outside—what we call outside—labor leaders.

Mr. BUSIEK. How many strikes have you had there since you have been there?

Mr. SPENCER. We have constant strikes.

Mr. BUSIEK. Constant strikes?

Mr. SPENCER. We have almost a strike every spring. Young boys go out in one department, and they will tie up the mill for a week or 10 days, and the parents will be thrown out of work, and then the parents tell the boys to come back, and they come back and the mill starts up.

Mr. BUSIEK. Do I gather from that that the union calls a strike?

Mr. SPENCER. No; I don't think so.

Mr. BUSIEK. Just a voluntary quitting on the part of the help?

Mr. SPENCER. One department think they can always tie up the whole mill if they go out, so when you get, say, 10 or 20 or 30 people who think they can get an increase of a dollar a week, and therefore they go out.

Mr. BUSIEK. How do you eliminate this condition? How do you break that strike, or how do you go about it. Do you hire different people to take their places, or do these people generally come back?

Mr. SPENCER. They generally come back, almost invariably.

Mr. BUSIEK. Do you take them back irrespective of their union affiliations?

Mr. SPENCER. Yes, sir; we don't know whether they belong to unions or not.

Mr. BUSIEK. The prices which you pay for your labor, I assume from your testimony, is dictated largely by the competition that you have to meet from other mills?

Mr. SPENCER. Dictated very largely by the prices paid by other mills in the same line of business in this city.

Mr. BUSIEK. In this city?

Mr. SPENCER. Yes.

Mr. BUSIEK. Is there any reasonable objection to a scheme whereby the employers might get together and all agree to pay higher wages, removing that competition which would prevent you from paying higher wages than are now being paid?

Mr. SPENCER. That would have to be all over the eastern coast of the United States, I imagine.

Mr. BUSIEK. But if there were a law universal in its application, that is, for this country, which would create a limited workday, and, to go a step farther, create a minimum wage, do you think there would be any objection to such a law on the part of manufacturers?

Mr. SPENCER. I don't see why any manufacturer should object if he is on the same basis of hours and wages as any other manufacturer; whether it is eight hours or six hours makes no difference, as long as they are all on the same basis.

Mr. BUSIEK. You heard Mr. Breen this morning in his testimony, did you not?

Mr. SPENCER. Yes.

Mr. BUSIEK. Is there any statement you wish to make in reply to the statements made by him concerning the Dobbins mill or any officer thereof?

Mr. SPENCER. Well, I would like—it is rather hard to say. The alleged acts took place before I was connected with the firm. I think the name mentioned was Mr. Mettercroft and Mr. Denton, who are supposed to have acted as mediaries between the office, and they are both dead—at least one of them, I am sure is; and I can not imagine Mr. James Dobbins offering anybody twice as much as he ever made for the rest of his life. It seems incomprehensible to me.

Mr. BUSIEK. That is all.

Commissioner O'CONNELL. Are there many accidents in your line of industry?

Mr. SPENCER. I don't think many serious ones, sir.

Commissioner O'CONNELL. Take the year 1913, have you any idea how many accidents occurred in the mills during that year?

Mr. SPENCER. No, sir; I would not offer—I know the slightest cut or anything of that kind we immediately sent a man to the department, but I don's know whether they made a report of it. The report is on file, I suppose, at Harrisburg, but I would not say of my own knowledge how many.

Commissioner O'CONNELL. Have you any department or room set aside in the mill for the purpose of taking care of the accidents—first aid?

Mr. SPENCER. We have not a place arranged for that purpose at the present time. We have a room where we have a chemist in charge, where all accidents go, but we have no rest room or hospital space at the present time, if that is what you mean.

Commissioner O'CONNELL. You, of course, made a report to the State officials in accordance with the law of the number of accidents occurring during the last year?

Mr. SPENCER. Yes, sir.

Commissioner O'CONNELL. Would you kindly furnish the commission with a copy of that report?

Mr. SPENCER. Certainly.

Commissioner O'CONNELL. Send it to us, please.

Mr. SPENCER. Yes, sir.

(Mr. Spencer subsequently sent in the following statement:)

Statement of accidents during year 1913.

Carpet and plush mills:

Nov. 19. Mrs. R. McNealis, head back of ear injured.
Nov. 28. David Hendrie, face scalded.
Dec. 20. Harry Ream, left arm broken.

Bradford mills:

Feb. 24. Marie Rosie, ribs injured.
Feb. 27. Edward Hogan, cut in back of head.
Feb. 27. Albert Culpan, slight cut on forehead.
Mar. 19. John Biddle, collar bone broken.

Mount Vernon worsted mills:

Jan. 7. Francis Kerscher, little finger caught in wheel.
Dec. 1. William Peters, caught under wheel guard.

Somerset mills:

Sept. 25. Edwin Lever, groin injured.

Commissioner O'CONNELL. How many employees did you say you operate in your mill?

Mr. SPENCER. I say, at the mill where I spend most of my time, about 1,800 at the present time—at the carpet and plush mill.

Commissioner O'CONNELL. You have some other mills besides that?

Mr. SPENCER. Yes, sir.

Commissioner O'CONNELL. How many other mills?

Mr. SPENCER. I suppose it runs to about 4,000, all told.

Commissioner O'CONNELL. Including the 1,800 men at the mill where you are?

Mr. SPENCER. Yes, sir.

Commissioner O'CONNELL. That is all I have.

Commissioner LENNON. I understood you to say that there were some contentions in the way of strikes almost continually in your place; at least, every year more or less of them?

Mr. SPENCER. We seem to invariably have a strike in the spring, sir, with some department.

Commissioner LENNON. Were you here this morning when Mr. Hayes and Mr. Yost, of the Bottle Blowers' Association, testified?

Mr. SPENCER. Yes, sir.

Commissioner LENNON. You heard their testimony, then?

Mr. SPENCER. Yes, sir.

Commissioner LENNON. Do you believe it would be possible to accomplish in the textile industry that you represent something of the same character that they have accomplished, whereby they have had no strikes in 25 years, by collective bargaining between the employers and the union?

Mr. SPENCER. I should doubt it, sir.

Commissioner LENNON. Well, why is it? Is the nature of the people different in this industry than they are in the other one?

Mr. SPENCER. No; but unless it would be a very magnanimous or very unusual labor leader I think it would be hard to have him look at the thing from anything but his own particular point of view.

Commissioner LENNON. As a representative, I think I am justified in saying that Mr. Hayes has no peer as a strong representative of the glass-bottle blowers. While he is a preeminently honorable gentleman, yet I am confident that when he is presenting the case of the bottle blowers there is no living man no this continent that can present his own side of the case much better, so there can not be any advantage in that trade because of the case of the working people not being well presented.

Mr. SPENCER. But it may be, sir, that the case of the working people in the union is well presented, but there may be those not in the union that their case is very badly presented, because the better you present the one the worse you present the other, as I see it.

Commissioner LENNON. The question I asked presupposed that there would be thorough organization on the part of the manufacturers in Philadelphia and thorough organization on the part of the employees, and that then industry would be represented by their respective committees.

Mr. SPENCER. I do not think the conditions are the same in any two places. There is only one other firm in Philadelphia that makes the same goods as we do in our velvet department. So it would simply be a case of where we are the biggest in that line; so, therefore, it would be with us alone.

Commissioner LENNON. So you do not believe, then, that collective bargaining in your trade on the same basis as the glass workers have it would be practicable?

Mr. SPENCER. I don't think so.

Commissioner LENNON. And yet the examples that have tried it are very successful. We have had a number of trades appear before us testifying to long periods of industrial peace through the policy of collective bargaining. I can not just appreciate how the intricacies of the trade would make it impossible in one instance more than in another.

Mr. SPENCER. That is something I would not like to try to explain. It would take a much greater brain than mine to do it.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. Of course you realize, Mr. Spencer, that the employers' associations may be divided into two distinct kinds of employers; One, the employer that follows the method of individual bargaining with his workers; two, the employer who follows the method of collective bargaining with his workers.

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. I take it, Mr. Spencer, that your institution follows the plan of individual bargaining.

Mr. SPENCER. By that you mean——

Acting Chairman WEINSTOCK. Or collective bargaining. Do I make myself clear when I use the terms "individual bargaining" and "collective bargaining"? Those terms are not always understood by every one alike.

Mr. SPENCER. I don't think I quite get your meaning.

Acting Chairman WEINSTOCK. By individual bargaining, that is where the employer makes a bargain with each separate worker.

Mr. SPENCER. No, sir; we do not do that.

Acting Chairman WEINSTOCK. And collective bargaining is where employers, either individually or collectively, make one bargain with the representatives of the workers that applies to all workers. You do collective bargaining, then, do you?

Mr. SPENCER. It is not clear to me. If a man comes to work and asks to weave, he is given a job on a loom, if there is a vacancy. The work is explained, and he either takes the job or leaves it.

Acting Chairman WEINSTOCK. How is the wage arranged or arrived at? Do you fix it as the employer, arbitrarily, or is that arranged by conference with the man?

Mr. SPENCER. With our own organization.

Acting Chairman WEINSTOCK. That is, the people in your mill are organized?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. And they elect representatives and deal with—you deal with those representatives?

Mr. SPENCER. No, sir.

Acting Chairman WEINSTOCK. And come to an agreement with them?

Mr. SPENCER. No, sir.

Acting Chairman WEINSTOCK. You do not?

Mr. SPENCER. No, sir.

Acting Chairman WEINSTOCK. Please explain just how the rate is arrived at.

Mr. SPENCER. There is a rate of so much a pick, or something of that kind. The rate has been established and is well known.

Acting Chairman WEINSTOCK. How was it established?

Mr. SPENCER. It was originally established, I suppose, when the grade was first made.

Acting Chairman WEINSTOCK. Did labor have any voice in fixing that?

Mr. SPENCER. Probably a great voice, because every time a new fabric is made the weavers, the foremen, and ourselves have a short consultation on that.

Acting Chairman WEINSTOCK. If there is a conference consisting of the foreman, a representative of your——

Mr. SPENCER. Office.

Acting Chairman WEINSTOCK (continuing). And a representative of the workers, one that is chosen by the workers?

Mr. SPENCER. I presume so; I don't know how they choose him, or anything of that kind, but there is generally a committee of the weavers of that particular grade comes down.

Acting Chairman WEINSTOCK. How are they selected?

Mr. SPENCER. The weavers select them.

Acting Chairman WIENSTOCK. It is the representative of the committee?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. The three factors get together and discuss the matter and arrive at the price?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. In that case, the labor has a voice in fixing a rate?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Supposing this group, this conference group that you tell us about, is unable to come to an understanding. What happens?

Mr. SPENCER. Then the office—what the office does will either remain the rate, or the weavers throw up their jobs.

Acting Chairman WEINSTOCK. I see; that is, if you have what may be termed a hung jury, if you can not agree, then the rate fixed by the office prevails?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Unless the men go on a strike.

Mr. SPENCER. Well, it generally prevails when they do.

Acting Chairman WEINSTOCK. Even when they do go on a strike, experience has shown that it ultimately prevails?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. When the two can not agree, do you ever refer the matter to a third party, an arbitrator, in the hope of avoiding cessation?

Mr. SPENCER. We do not, as a rule, have trouble; the weavers generally want more, not always more, but generally more than the office fixes, then it is put on a trial. The weavers will be asked to try it for two weeks, and if they can not make wages, the rate will then be changed.

Acting Chairman WEINSTOCK. I see.

Mr. SPENCER. To a great extent, we find our people are quite fair and square with us in that way, and we will go on that basis.

Acting Chairman WEINSTOCK. How often does it happen, Mr. Spencer, that a new rate has to be established on a new fabric?

Mr. SPENCER. About four times a year.

Acting Chairman WEINSTOCK. About four times a year?

Mr. SPENCER. Yes, sir. Or, if we can not agree, the weaver will be put on daywork.

Acting Chairman WEINSTOCK. In your particular industry can you give us an idea of how many strikes you have had, say, in the last five years?

Mr. SPENCER. I would not like to say, because a strike might be where the people were out for one day or two days, I would hardly call it a strike. We have not had anything very serious there in the last several years, since I have been connected with it.

Acting Chairman WEINSTOCK. How long have you been connected with it?

Mr. SPENCER. Five years.

Acting Chairman WEINSTOCK. Have you had any strikes during that period, Mr. Spencer, that would be regarded as a serious strike, where the men have quit work for a week or more?

Mr. SPENCER. Yes, sir, we have had.

Acting Chairman WEINSTOCK. About how many would you say?

Mr. SPENCER. Three.

Acting Chairman WEINSTOCK. Three?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Involving how many men?

Mr. SPENCER. Those strikes were generally started by, for instance, the cutters going out. When the cutters go out it stops the weavers and stops the dyehouses and all people related in the industry.

Acting Chairman WEINSTOCK. Sympathetic strikes?

Mr. SPENCER. No, sir; they had to stop because one could not go without the other.

Acting Chairman WEINSTOCK. What was the cause of those particular strikes? Was it where you were unable to agree upon the price and the men were unwilling to submit to the price you offered?

Mr. SPENCER. No, sir. In this case it would be that the cutters or loom fixers wanted a flat increase of 10 per cent. The office would not agree to it, therefore they would stop their work.

Acting Chairman WEINSTOCK. Exactly, because there was a difference as to the amount of wage to be paid?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Well, when you dealt with the workers in those instances, I take it you dealt with the committees?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. The committees appointed by them?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. Then evidently you must have misunderstood Commissioner Lennon. I gathered from the answer that you made to Commissioner Lennon that you did not practice collective bargaining, and did not, perhaps, believe in collective bargaining, and yet, from the explanation you make, Mr. Spencer, it is quite plain that you do engage in collective bargaining, and that you do recognize organized labor, because you recognized that committee that was appointed by the weavers.

Mr. SPENCER. We recognize any committee from our own place; we do not recognize any committ that comes in from the outside. I misunderstood the commissioner's question.

Acting Chairman WEINSTOCK. You draw a distinction there between your own labor and representatives of labor coming from the outside?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. You will recognize organized labor within your own plants——

Mr. SPENCER (interrupting). Yes.

Acting Chairman WEINSTOCK (continuing). But you will not recognize representatives of organized labor from without your plant?

Mr. SPENCER. No.

Acting Chairman WEINSTOCK. How many employers are there, competing manufacturers with yourself, in the same industry in this territory?

Mr. SPENCER. Oh, in the carpet line, I suppose there are about a dozen.

Acting Chairman WEINSTOCK. Are they organized as an association?

Mr. SPENCER. I know of none.

Acting Chairman WEINSTOCK. Each man or concern is an independent concern?

Mr. SPENCER. At least our concern; I don't know about the other concerns. We paddle our own canoe.

Acting Chairman WEINSTOCK. Do you know whether the workers are federated, or whether their organization is confined simply to their own class?

Mr. SPENCER. I imagine they are federated.

Acting Chairman WEINSTOCK. Now, when Commissioner Lennon asked you the question as to whether you thought the same conditions as we were told this morning existed in the bottle-blowing industry, and as we are told on Saturday existed in the pottery industry, as to whether those conditions could be duplicated in your industry—that is, the mutual organization, collective bargaining, trade agreements—you gave it as your opinion, Mr. Spencer, that you did not think it could be done successfully in your industry.

Now, will you be good enough to tell us why you do not think it could be done in your industry as well as it seems it is being done in these others?

Mr. SPENCER. Well, that opens up a broad field and it simply calls for my personal opinion, which in my case is perhaps not worth a great deal. I have not found that our working people are at all fair in those matters. By that I mean—you try to find out or ask them point-blank what they can weave per day—a common day's work, and they will answer they can weave 10 yards, and you make one piecework based on that 10 yards, and you find they are weaving 18 yards. Now, those things tend to destroy your faith in common honesty.

Acting Chairman WEINSTOCK. Well, now, has that plan ever been tried in your industry? That is, the plan of the manufacturers, or the greater part of the employers, being organized on the one hand, and the workers being organized and federated on the other hand, and the two organizations, as organizations, come in together and discuss your problems, and coming to an understanding,

or in case of failing to come to an understanding, submitting to arbitration, and then entering into a trade agreement?

Mr. SPENCER. I think not.

Acting Chairman WEINSTOCK. That has not been tried?

Mr. SPENCER. I think not.

Acting Chairman WEINSTOCK. Well, then, when you say that you do not think the plan could be successfully duplicated in your industry, you, of course, then, give it merely as a matter of opinion and not because it has been tried out and failed?

Mr. SPENCER. That is what I said a moment ago.

Acting Chairman WEINSTOCK. Now, would it not, in your judgment, be well worth trying, with these other industries as object lessons before you, where it has been successfully carried out, and where both the employers and the workers tell us it has made for industrial peace and for the minimizing of industrial unrest, and where it has led, as they claim, to a more cordial and mutual feeling—would it not be well worth while to try it also in your industry?

Mr. SPENCER. That might be. I think in our particular plants the relations between the employers and the employees are very favorable and cordial. There are people there who have been working there for many, many years; and some of their children and grandchildren have worked there; and they are going on—promotions to foremanships generally come from the ranks and seldom from the outside—and I should think that there is an opportunity for anybody in that particular trade.

Acting Chairman WEINSTOCK. Among other things, Mr. Spencer, that this commission will be expected to report on and to make recommendations is as to whether or no, as the outcome of our investigations, we have found that mutual recognition, the entering into trade agreements, does or does not make for industrial peace. If we find that the preponderance of evidence is in favor of a trade agreement it will become our duty to recommend it. If on the other hand we find that the preponderance of evidence is against the trade agreement as making for the highest degree of industrial peace, we shall have to recommend against the trade agreement.

Now, could you not, at this time—suppose that you try to give us from your fund of information something that will help us more intelligently to come to a conclusion for or against trade agreements. If you can do so, that will be very much appreciated.

Mr. SPENCER. Well, there again, sir, it would be only my own personal opinion, which I do not think would be worth very much to you.

Acting Chairman WEINSTOCK. We should be glad to have that. You have had an opportunity of making observations; you are holding a very important position, and I take it you keep yourself informed not only on your own industry but kindred industries, and hence your judgment ought to be valuable.

Mr. SPENCER. I think the average manufacturer—at least, in our plant—wants to see the worker getting good wages. It is to our benefit to have them get good wages; and while I think they can make better terms by dealing with us than they can by belonging to a union and trying, perhaps, to force our hand, as I will put it——

Acting Chairman WEINSTOCK (interrupting). You mean that the individual worker can deal with you as an individual rather than dealing with you through his union.

Mr. SPENCER. No; dealing with us as a body within the mill, but not going outside.

Acting Chairman WEINSTOCK. Oh, yes; I see.

Mr. SPENCER. If all the workers could unite it would be all right; and if all the manufacturers, all the unions, could have such an idealistic condition, but I don't think it will come. I see no sign of it.

Acting Chairman WEINSTOCK. Does it mean, Mr. Spencer, that the workers in your plant, for example, can get better terms and better conditions by dealing with you direct, as a body—not as individuals, but as a body, I take it—than they could by attempting to deal with you indirectly through some outside medium?

Mr. SPENCER. I think, without a question.

Acting Chairman WEINSTOCK. But in dealing with your workers you deal with them collectively?

Mr. SPENCER. Yes, sir; or as individuals either. One man will come with a grievance, and he will be listened to as if they came four and five at a time.

Acting Chairman WEINSTOCK. Now, let me ask you, Mr. Spencer—let me put my question in a little different form.

Suppose some civic worker in whom you have confidence, whom you knew was acting in good faith and had no selfish ends in view, should come to you and say, "Mr. Spencer, we would like to see an experiment tried in your industry that has been worked out so successfully in other industries—the potteries and printing trades, and the women's garment trades in New York and Chicago, the clothing trades—and propose to make an effort to organize all your employers on one side, and to have the workers organized on another side, with a view to collective bargaining and trade agreements." What would be your attitude toward experimenting along those lines?

Mr. SPENCER. I would be perfectly open to be convinced, and am very willing to give anything a trial that would tend to make pleasanter relations.

Acting Chairman WEINSTOCK. How would it, taking the successful results in other industries as a base, you would think that the plan at least would be worthy of a trial in your industry?

Mr. SPENCER. If I could I would; I am not satisfied about the others, where it has worked out at the present time. I don't think it would work out, but I would be willing to try and be open to conviction.

Acting Chairman WEINSTOCK. I take it, Mr. Spencer, that your relations with your competitors are friendly?

Mr. SPENCER. I think so.

Acting Chairman WEINSTOCK. That is, you frequently come together and discuss matters in general? There is no hostility among the employers, is there?

Mr. SPENCER. I have never gotten together with them at all myself, I don't think.

Acting Chairman WEINSTOCK. Is there any feeling of hostility among the employers in your industry?

Mr. SPENCER. No; I don't know of any.

Acting Chairman WEINSTOCK. It would be no difficult matter whatever to bring them together for an open conference to discuss the matter, would it?

Mr. SPENCER. I think not.

Acting Chairman WEINSTOCK. And if some one came along and offered to do that, do you think there would be any objection on the part of any employer coming together for a nonofficial conference on the matter?

Mr. SPENCER. I should not see why there should be.

Acting Chairman WEINSTOCK. And if the consensus of opinion of these employers, after the matter had been discussed from that point of view, was that the plan was worthy of an effort, was worthy of a trial, it could be then carried on, could it not?

Mr. SPENCER. I suppose so, if the consensus of opinion was that way.

Acting Chairman WEINSTOCK. What is the attitude of the employers in your industry, Mr. Spencer, toward the enactment of a workmen's compensation act?

Mr. SPENCER. Personally, I have always thought very highly of it. I think it would be a great thing for the worker and also a very good thing for the manufacturer.

Acting Chairman WEINSTOCK. So that you would favor it?

Mr. SPENCER. Very much.

Acting Chairman WEINSTOCK. As being mutually advantageous?

Mr. SPENCER. Yes, sir.

Acting Chairman WEINSTOCK. That is all. Thank you very much, Mr. Spencer.

(Witness excused.)

TESTIMONY OF MR. W. PARK MOORE.

Mr. BUSIEK. Please give your name in full.

Mr. MOORE. W. P. Moore.

Mr. BUSIEK. And you are connected with the Brown Knitting Co.?

Mr. MOORE. Manager and treasurer.

Mr. BUSIEK. Manager and treasurer?

Mr. MOORE. Yes.

Mr. BUSIEK. That is a branch of the textile industry in which the commission is also interested?

Mr. MOORE. Yes, sir.

Mr. BUSIEK. How many people are employed in your plant, Mr. Moore?

Mr. MOORE. Eight hundred and ninety-six at present.

Mr. BUSIEK. At present. What is the top capacity?

Mr. MOORE. The regular capacity?
Mr. BUSIEK. Yes.
Mr. MOORE. That is the full quota.
Mr. BUSIEK. You are running full time?
Mr. MOORE. Not at present; we are running full quantity of people, but not full hours.
Mr. BUSIEK. I see
Mr. MOORE. About 60 per cent at present.
Mr. BUSIEK. What are the chief products of your mills?
Mr. MOORE. Hosiery entirely.
Mr. BUSIEK. Entirely?
Mr. MOORE. Yes; full-fashioned hosiery.
Mr. BUSIEK. That is the hosiery that is knit without a seam?
Mr. MOORE. No; just the opposite.
Mr. BUSIEK. Just the opposite?
Mr. MOORE. Yes; full fashioned is shaped to fit the leg. Seamless hosiery, the other classification, is without a seam.
Mr. BUSIEK. What per cent of your employees are women?
Mr. MOORE. Our present quota is 377 males and 519 females.
Mr. BUSIEK. Have you a classification of your employees there?
Mr. MOORE. The minors, and so forth?
Mr. BUSIEK. Yes.
Mr. MOORE. Three hundred and seventy-seven males, 519 females.
Mr. BUSIEK. Minors?
Mr. MOORE. No; that is the total. Among them is 119 minors.
Mr. BUSIEK. How are they divided?
Mr. MOORE. Fifty-seven males and sixty-two females.
Mr. BUSIEK. Those minors, are those under 21 or under 16?
Mr. MOORE. Between 14 and 16.
Mr. BUSIEK. And what work can those minors between 14 and 16 do about the mill, or what do they do?
Mr. MOORE. Well, they do turning and help different ways, help on frames. They grow up to take the main positions later.
Mr. BUSIEK. They come in at the bottom and work themselves up?
Mr. MOORE. Yes, sir.
Mr. BUSIEK. What wages are paid to minors?
Mr. MOORE. Average about $5.
Mr. BUSIEK. What is the low?
Mr. MOORE. They start about $3.50.
Mr. BUSIEK. And work up to an average of about $5 before they are 17?
Mr. MOORE. Yes.
Mr. BUSIEK. Before they are 16?
Mr. MOORE. They work up at different wages.
Mr. BUSIEK. How many adult workers have you, do you know?
Mr. MOORE. Well, adult, that means——
Mr. BUSIEK (interrupting). I mean over 21?
Mr. MOORE. Well, I suppose there are 70 per cent.
Mr. BUSIEK. About 70 per cent.
Mr. MOORE. Yes.
Mr. BUSIEK. What is the average wage paid for an adult worker?
Mr. MOORE. Well, I can give you our total wages; the last full pay was $21,500, two weeks' pay; that is average total of about $24 for two weeks' pay for the entire employees.
Mr. BUSIEK. Thirty per cent of your employees, then, are minors, which would greatly reduce the average?
Mr. MOORE. Well, I don't want to say 30 per cent, about; some of those are over 16, you know.
Mr. BUSIEK. I see.
Mr. MOORE. Between 14 and 16. There is only about 15 per cent between 14 and 16.
Mr. BUSIEK. That is, then, the average wage, including all employees, is about $12 a week?
Mr. MOORE. The entire quota.
Mr. BUSIEK. Now, were you working full time when that wage was made?
Mr. MOORE. Yes; that is a full-time pay roll.
Mr. BUSIEK. That is a full pay roll?
Mr. MOORE. Yes.

Mr. BUSIEK. Is your firm what is known as an open shop?

Mr. MOORE. We consider it an open shop.

Mr. BUSIEK. And you make no contracts with organized labor; that is, as affiliated with the international organization?

Mr. MOORE. No; we pay what is considered union wages.

Mr. BUSIEK. And you taking, in arriving at what are union wages, you take the union scale where there is a closed shop in Philadelphia and pay that wage?

Mr. MOORE. Pay the regular set wages for fashioned hosiery weaving.

Mr. BUSIEK. But you do that without any specific agreement with the unions?

Mr. MOORE. Well, that is, our wages are generally established in all the fashioned mills; they practically all pay the same.

Mr. BUSIEK. What objection, if any, have you to dealing with the officers of the international union in the fixing of this wage, since you pay the union scale?

Mr. MOORE. Never saw any necessity for it; we deal with our own people.

Mr. BUSIEK. Have you had any strikes which were engineered by the labor union?

Mr. MOORE. No; we have had no strikes for a good many years. The last strike we had was in 1909, and that was a sympathetic strike with the trolley strike.

Mr. BUSIEK. It was?

Mr. MOORE. We had some small disputes, but ordinarily settled them ourselves among our own people.

Mr. BUSIEK. When you strike a period of depression, instead of laying off people, you put everybody on part time or give them all a share of that work?

Mr. MOORE. As near as we can.

Mr. BUSIEK. What about the advance in protection of machinery in the last few years? Has there been a marked increase in protective devices for machinery as the result of legislation?

Mr. MOORE. We have all dangerous parts of the machinery—elevators and like that—we have devices installed which are passed by the State factory inspectors.

Mr. BUSIEK. Well, who sets the pace, the legislature or the mills, in the matter of protecting machinery?

Mr. MOORE. Well, I think the legislature has done a good bit to bring that forward.

Mr. BUSIEK. Now, is the factory inspection in Philadelphia rigid or otherwise?

Mr. MOORE. Well, they make their usual visits. Any suggestions they make we try to carry out.

Mr. BUSIEK. Do you work on piecework basis?

Mr. MOORE. Nearly exclusively piecework; some few week workers, but very few.

Mr. BUSIEK. Do you have a regular stunt that each employee must do to keep his position?

Mr. MOORE. No.

Mr. BUSIEK. There is no required minimum that must be done?

Mr. MOORE. No; we have no bonus or premium system.

Mr. BUSIEK. That is all.

Acting Chairman WEINSTOCK. You heard the questions, Mr. Moore, that were put to Mr. Spencer and his answers?

Mr. MOORE. Yes, sir.

Acting Chairman WEINSTOCK. On the issue as to whether employers in his industry would at all consider under any circumstances the advisability of forming an employers' association with a view of dealing collectively with workers' associations and entering into trade agreements.

If that question were put to you as relating to your industry, what answer would you make?

Mr. MOORE. Well, we have never been very successful in having the hosiery manufacturers in this city hold together in any association.

Acting Chairman WEINSTOCK. You never have been successful?

Mr. MOORE. No, sir. We have a national association, but no city association.

Mr. WEINSTOCK. Well, what have been the causes for your local association falling apart?

Mr. MOORE. They never have come to any agreement; and if they did come to an agreement, they did not abide by it.

Acting Chairman WEINSTOCK. How recently was the last effort made along those lines?

Mr. MOORE. Well, I guess, some three years ago now.

Acting Chairman WEINSTOCK. No effort has been made during those three years?

Mr. MOORE. No.

Acting Chairman WEINSTOCK. Why is it the workers can stick together and the employers can not? What secret have the workers that the employers have not yet discovered?

Mr. MOORE. Well, they seem to have something on the manufacturers, anyway, in sticking together.

Acting Chairman WEINSTOCK. Well, can it be because the workers—you say that when they have come together they have not stood by their understandings?

Mr. MOORE. It is not so much a matter of wages, it is other forms of agreement.

Acting Chairman WEINSTOCK. But they have not kept faith with each other?

Mr. MOORE. No; they have not kept faith with each other.

Acting Chairman WEINSTOCK. Isn't that a sad reflection on the employers as compared with the workers—that the workers have faith in each other and do make good with each other and the employers do not?

Mr. MOORE. It would seem so, in our experience.

Acting Chairman WEINSTOCK. You think if another effort were made to organize your employers, with a view of collective bargaining, that it would meet with no better results? Have you lost all faith in employers?

Mr. MOORE. Well, I don't—I would not like to answer that question—I don't know, Mr. Commissioner.

Acting Chairman WEINSTOCK. Are strikes in your industry frequent?

Mr. MOORE. Well, they have been very infrequent with us.

Acting Chairman WEINSTOCK. How recently have you had a strike in your own plant, for example?

Mr. MOORE. Well, we have not had a strike for a long time.

Acting Chairman WEINSTOCK. How long?

Mr. MOORE. The sympathy strike was the last one; I mentioned that a little while ago; in 1909.

Acting Chairman WEINSTOCK. In 1909?

Mr. MOORE. In 1909; a sympathetic strike, in sympathy with the trolley motormen and conductors.

Acting Chairman WEINSTOCK. A sympathetic strike?

Mr. MOORE. Yes, sir; it was not forced by us at all.

Acting Chairman WEINSTOCK. I see.

Mr. MOORE. They remained out three weeks.

Acting Chairman WEINSTOCK. But when did you have a strike that developed within your own plant—how long back?

Mr. MOORE. Well, I can't just recall the date. It has been some long time.

Acting Chairman WEINSTOCK. Well, if this commission——

Mr. MOORE (interrupting). I think there was a strike in 1899 on the 55-hour-week problem.

Acting Chairman WEINSTOCK. I see. Well, if this commission were to ask your judgment and your opinion, Mr. Moore, as a man of experience, as to whether or no it should recommend trade agreements as one of the ways of bringing about better mutual understandings between workers and employers and making for a greater degree of industrial peace, what advice would you give the commission on that score?

Mr. MOORE. Well, I think it works out successfully in a great many lines.

Acting Chairman WEINSTOCK. Well, what would you say to the commission—should it or should it not advise and recommend trade agreements?

Mr. MOORE. I suppose you mean by trade agreements an agreement with a working scale of wages?

Acting Chairman WEINSTOCK. Yes. Were you here this morning, Mr. Moore, when a representative of the glass blowers' association testified?

Mr. MOORE. I heard part of that testimony.

Acting Chairman WEINSTOCK. You heard what Mr. Yost had to say, representing the employers, and what Mr. Hayes had to say?

Mr. MOORE. Yes; they said theirs worked out to their entire satisfaction, so far as I could hear him.

Acting Chairman WEINSTOCK. Well, now, if the commission were to ask for your opinion as to whether, from what you know of all the conditions, whether it should recommend to employers and workers the trade agreement, what would you advise the commission?

Mr. MOORE. Well, to cover the entire craft, I think it would be a good idea.

Acting Chairman WEINSTOCK. Do you know of any good reason why that, carried out in good faith between employers among themselves, and then between the employers on the one hand and the workers on the other, why it should not be worked out successfully?

Mr. MOORE. Not if carried out in good faith by both sides; I don't see why it should not be successful.

Acting Chairman WEINSTOCK. Its only point of failure is likely to come where one side or the other fails to act in good faith?

Mr. MOORE. Yes, sir.

Acting Chairman WEINSTOCK. Then the key to the whole situation is good faith and a square deal?

Mr. MOORE. Yes, sir.

Acting Chairman WEINSTOCK. That is all.

(Witness excused.)

TESTIMONY OF MR. ARTHUR McDONNELL.

Mr. BUSIEK. State your full name, please.

Mr. MCDONNELL. Arthur McDonnell.

Mr. BUSIEK. And what is your occupation?

Mr. MCDONNELL. I am the president of the dyers' union—skein dyers and mercerized, of Philadelphia.

Mr. BUSIEK. President of the dyers' union of Philadelphia?

Mr. MCDONNELL. Yes.

Mr. BUSIEK. About how many dyers are there in Philadelphia?

Mr. MCDONNELL. Well, I believe we have about 1,300 skein dyers, to be conservative.

Mr. BUSIEK. What percentage of them belong to the union?

Mr. MCDONNELL. Eighty-five per cent.

Mr. BUSIEK. About 85 per cent?

Mr. MCDONNELL. Yes.

Mr. BUSIEK. That is pretty highly organized in Philadelphia?

Mr. MCDONNELL. Yes; we have a high organization.

Mr. BUSIEK. Are there any strictly union shops in Philadelphia?

Mr. MCDONNELL. We have 48.

Mr. BUSIEK. Forty-eight strictly union shops?

Mr. MCDONNELL. Yes, sir.

Mr. BUSIEK. And what is the scale in the union shops?

Mr. MCDONALD. Twenty-five cents per hour.

Mr. BUSIEK. What is the scale in the nonunion shops?

Mr. MCDONNELL. They run from $7 to $12.

Mr. BUSIEK. Seven to twelve?

Mr. MCDONNELL. Seven to twelve dollars per week.

Mr. BUSIEK. What is that per hour?

Mr. MCDONNELL. Well, about anywhere from 15 cents up to 20 cents. The lowest, I guess—I could make a statement of one shop here in Fairmont, William Warding & Co., pays from $7 to $9.

Mr. BUSIEK. Nine dollars a week?

Mr. MCDONNELL. Seven to nine dollars a week, yes.

Mr. BUSIEK. Well, is the work to be done in that shop as expert work and equally good?

Mr. MCDONNELL. Well, there is handwork there, and he also has machines there, I might say.

Mr. BUSIEK. Well, does the machine cut down the amount of work to be done by the men?

Mr. MCDONNELL. Oh, yes, considerably. I might say, though, that those employees are not English-speaking men. They are not conversant with the conditions, and they are very careful, too, that they haven't got many English-speaking people in that firm, in that department.

Mr. BUSIEK. Have you made any attempt to organize these non-English-speaking men?

Mr. MCDONNELL. We have made attempts to organize that plant, but immediately they find out that there is any men there holding a union card, well, they are minus their positions.

Mr. BUSIEK. That discourages the rest, I suppose?

Mr. MCDONNELL. That discourages the rest.

Mr. BUSIEK. Do any of your members work in shops that are not, strictly speaking, union shops, those that are not closed shops?

Mr. MCDONNELL. Well, we don't bar them from working, but our men won't work for less than 25 cents an hour, as a general rule.

Mr. BUSIEK. You work a 10-hour day, is that it?

Mr. MCDONNELL. Well, the manufacturers that have got to comply with the State law that protects women; they are working on a 54-hour basis; the buyers working the same; but the employers that can evade the State law, as the law don't protect men, they are all working on a 60-hour basis. I have got reference now to the jobbers, men that don't——

Mr. BUSIEK (interrupting). Weave the product themselves?

Mr. MCDONNELL. Exactly.

Mr. BUSIEK. Who just dye for these other mills?

Mr. MCDONNELL. Yes; they are still working on a 60-hour basis.

Mr. BUSIEK. How long have you been in Philadelphia in that business? Let me get that first.

Mr. MCDONNELL. Since 1883.

Mr. BUSIEK. You are familiar, then, pretty generally with conditions in Philadelphia?

Mr. MCDONNELL. I believe I am.

Mr. BUSIEK. What are the sanitary conditions of the dye shops in Philadelphia?

Mr. MCDONNELL. Well, you will pardon me. I have got a brief here that I would like to read to the commissioners on that point.

Mr. BUSIEK. If you will file that brief, and tell us in brief about that, it will serve a double purpose, and we would be obliged to you.

(The brief referred to is printed as McDonnell exhibit.)

Mr. MCDONNELL. Well, too much can not be said about the sanitary conditions of the dyers. There is none of the manufacturers, with the exception of two, that has ever tried to place any natural contrivances in the way of steam, gases, and any way of getting them out. You know that water boils at 212° F. Rows of kettles in the buildings, sometimes not much wider than this room, with rows on the other side, and no appliances there, no hoods or fans for the driving out of the steam, and that is the condition. Water boils at 212°, and all them kettles boiling.

Mr. BUSIEK. It is pretty hot in summer with those kettles?

Mr. MCDONNELL. Why, the dyers parboil.

Mr. BUSIEK. Are there any devices which would obviate those, such as hoods and fans? Have you seen such devices in successful operation?

Mr. MCDONNELL. I have; I saw them 30 years ago; and Thomas Dolan & Co., the man that just died here lately, he was the manufacturer. He had fans. He had what you call the upright fans, that went right up through the roof of the buildings, and in his sour side his kettles were hooded. He had hoods with fans at different parts of the dyehouse, driving out the steam that was collected under the hood.

Mr. BUSIEK. Has there been any marked increase in the wages paid dyers since the organization of your union?

Mr. MCDONNELL. We organized this time in 1909. The wages was from $9 to $12 a week. Our manufacturers then had a system what they called the merit system, and it worked out so well that some of our dyers was short $4 a week in their envelope. So we changed that kind of a system. The organization demanded a uniform rate.

Mr. BUSIEK. Per hour?

Mr. MCDONNELL. Per hour.

Mr. BUSIEK. Did you get 25 cents at once?

Mr. MCDONNELL. We have got the 25 cents in 48 shops. Well, we took a shop at a time. We had considerable difficulty, but we got over it in the end.

Mr. BUSIEK. Are there any women in that branch of the industry?

Mr. MCDONNELL. No; no women; it takes rugged men in the dyehouse.

Mr. BUSIEK. Are there any boys?

Mr. MCDONNELL. No boys, except there might be a small boy around the drying room, or something of that kind.

Mr. BUSIEK. Has machinery made any inroads?

Mr. MCDONNELL. Yes; machinery has cut quite a figure. It has doubled the production with about 50 per cent less help.

Mr. BUSIEK. Has it put any men out of work?

Mr. MCDONNELL. Well, there is not so many men in the dyehouse to-day as there was 20 years ago.

Mr. BUSIEK. Has this been a gradual evolution—this evolution of machinery?

Mr. MCDONNELL. Yes; what you might call a gradual evolution. I might give you, for instance, one particular firm—the firm of James Holton—a company above Ruth, on Lehigh. He is what you might call a practical machine man. He has put 16 machines, small and large, and there is 17 men operate those 16 machines, and not to push the men, he can do in a day 6,000 or 7,000 pounds of yarn. This yarn is for the manufacturing of fine work. It goes into the manufacture of cloth. It has got to be dyed, not painted, and that work is turned out with about 9 men.

Mr. BUSIEK. Well, under the old manual methods, how much in poundage, how much could a man turn out?

Mr. MCDONNELL. Well, it would be—a good day's work for two men would be 600 pounds, that would be a high average.

Mr. BUSIEK. That would be 300 pounds per man?

Mr. MCDONNELL. Yes.

Mr. BUSIEK. And when these men, you say, that turn out from 6,000 to 7,000 pounds——

Mr. MCDONNELL (interrupting). Nine men.

Mr. BUSIEK. That would be in excess of 300 pounds per man?

Mr. MCDONNELL. Yes.

Mr. BUSIEK. Well, is the labor of the men increased any by these machines?

Mr. MCDONNELL. Well, a great many of our men don't want to work on machines. They say the machines are harder. This Mr. Holton, he is quite a genius. He invented a plant where he could save the hot liquor, and he could save steam, by having his dyers, when the lot would be finished, to immediately stop the machine and take the yarn out hot.

Mr. BUSIEK. Well, did he invent a machine to do that?

Mr. MCDONNELL. Oh, no. That is the clouder and Walden machine, and it has got to be unloaded in the machine, and there is other machines, what we call the cage machine, after the load is dyed, you might take a block and fall and lift the whole thing up and set it on a pair of jacks or trays after it is dyed, but this is the clouder and Walden machine, an open machine with an open front, that have the action just of a wheel, they work around slowly, and there is a spring on top that turns a stick, which stick turns with the touch of the spring, rolls around there, and then when it stops you have to step down and touch a spring here, undo the spring, and lift out your sticks loaded up with yarn.

Now, you can imagine, we will say, 52 sticks loaded up with 500 pounds of 2-30's yard, worsted yarn, that goes into the manufacture of men's wear. You can divide that 52 into 500, and yarn in the dyeing process will carry three times its own weight, and the dyer has to drag that out of a hot boiling liquor. And he was not only satisfied with binding that up for himself, but he was good hearted to some of his brother employers, and they have got the scheme, too.

Mr. BUSIEK. That is a device, then, which does increase the manual labor performed by the dyer?

Mr. MCDONNELL. Oh, yes.

Mr. BUSIEK. You talked about saving steam. Was it merely pulled out cold?

Mr. MCDONNELL. Well, other manufacturers that would be any way human at all, they would cool off the lot. This man, I guess, he wants to become rich.

Mr. BUSIEK. To what fact do you attribute the fact that you have not got your craft fully organized in this city. Is that due to those foreigners that you were speaking about?

Mr. MCDONNELL. No, sir; we don't find much trouble with the foreigners at all. We have the majority of our trade organized, with the exception of a few shops on the outskirts. We did make a bold effort to organize the plant of Nathan Caldwell, at Third and Cambria.

I was going to make a statement to the commission. In my experience of about 32 years in the dyehouses of Philadelphia I never knew a manufacturer

who hired a dyer to come up gratuitously and ever offer an advance of wages, with the exception of that firm, and that firm, we must compliment them, here last winter they gave them an increase, but it was to checkmate our movement.

Mr. BUSIEK. Are they paying the union rate?

Mr. MCDONNELL. They are not. They pay $11.50, I believe, for 54 hours, and their dyers work from 6 o'clock in the morning till 6 o'clock at night, with a short interim of 15 or 20 minutes for dinner.

Mr. BUSIEK. That is all I have.

Commissioner O'CONNELL. Are there any diseases in particular in your trade, caused by the dyeing method—diseases peculiar to your trade?

Mr. MCDONNELL. Yes, sir; we have pneumonia, influenza, and rheumatism.

Commissioner O'CONNELL. Consumption?

Mr. MCDONNELL. Yes; some of our men, but not many.

Commissioner O'CONNELL. Is it poisonous to the skin of the hand?

Mr. MCDONNELL. Well, we had 10 deaths last year, and I believe that there were 6 death certificates came from the coroner.

Commissioner O'CONNELL. Six deaths out of how many people?

Mr. MCDONNELL. Ten. We had 10 dead last year.

Commissioner O'CONNELL. Out of what number of people?

Mr. MCDONNELL. We have 900 members in good standing on our books.

Commissioner O'CONNELL. Ten out of the 900?

Mr. MCDONNELL. Yes, sir. Of course, there was an accident, I guess, with two of them.

Commissioner O'CONNELL. Do the firms treat with your unions—your committees?

Mr. MCDONNELL. Yes, sir. We can not say anything in regards to our employers that way. They are pretty fair.

Commissioner O'CONNELL. They meet you every year?

Mr. MCDONNELL. They recognize us and do business with us.

Commissioner O'CONNELL. How many firms do you say in the city do not treat with you by agreement?

Mr. MCDONNELL. Well, there might be about eight firms.

Commissioner O'CONNELL. What number of people do they employ?

Mr. MCDONNELL. In our end—in the skein end—we might say, to be conservative, about two or three hundred, I guess.

Commissioner O'CONNELL. And you represent about 900, you say?

Mr. MCDONNELL. Nine hundred in good standing.

Commissioner O'CONNELL. You have no women?

Mr. MCDONNELL. No.

Commissioner O'CONNELL. No children?

Mr. MCDONNELL. No.

Commissioner O'CONNELL. The sanitary conditions, so far as you know—getting rid of the gases and steam and all that—are very bad, you say?

Mr. MCDONNELL. Very bad.

Commissioner O'CONNELL. It does not seem that that would be very hard to arrange, to have the steam taken away.

Mr. MCDONNELL. No, sir; it could be accomplished.

Commissioner O'CONNELL. It would simply be a matter of covering a pipe and carrying it through the ceiling or wall.

Mr. MCDONNELL. I was speaking to Mr. Lightner, the superintendent, asking if he was doing anything in reference to the dyeing plants, and he said he was up at Harrisburg, and he said he told the chief that it should come in under the board of hygiene.

Commissioner O'CONNELL. Do you have many accidents in the trade?

Mr. MCDONNELL. Not a great deal.

Commissioner O'CONNELL. Are they fully provided to prevent accidents? Can you get injured by them? Are they fool proof?

Mr. MCDONNELL. I was injured myself.

Commissioner O'CONNELL. How?

Mr. MCDONNELL. On a defective machine.

Commissioner O'CONNELL. How? Did you hurt your hand?

Mr. MCDONNELL. It was what you called a piece extractor. It was a crude machine of their own make. It was simply what you might call an iron roller and fast-and-tight pulley. This machine was got up for the purpose of keeping the wrinkles off the cloth after the cloth was dyed.

Commissioner O'CONNELL. To keep the machine from running or make it run——

Mr. McDONNELL. When the belt was running on the slack pulley this shell constantly moved; with the friction from the slack pulley it heated up the tight pulley and this roller moved, and in the moving of this roller with the constant friction and the constant running of the machine, the longer you would run it the more friction the machine would get, and consequently she gave a wicked turn and my right arm went in between the cloth and the roller and broke this arm in two places.

Commissioner O'CONNELL. What did the company do in that instance?

Mr. McDONNELL. They took 10 cents off of me. I got this at half past 4——

Commissioner O'CONNELL. And they docked you for the balance of the day?

Mr. McDONNELL. And they paid me up to 4 o'clock.

Commissioner O'CONNELL. Did you make any attempt to collect it?

Mr. McDONNELL. I sued; took them into the courts of Philadelphia; and the trial judge was Judge Bridge. He allowed it to go to the jury. Notwithstanding their lawyer asked for a nonsuit, he said there was too much evidence here, and it went to the jury, and they gave me a verdict for $2,000. But I didn't get it. They appealed the case. The case went before the trial judge and Judges Kinzie and McGill, and they reversed the decisions and findings in their own court, and it went to the supreme court and McDonnell won—lost out on contributory negligence and assumption of risk.

Commissioner O'CONNELL. That case was nonsuited?

Mr. McDONNELL. Yes, sir; on contributory negligence and assumption of risk.

Commissioner LENNON. Assumption of risk?

Mr. McDONNELL. Yes, sir.

Commissioner O'CONNELL. And the case was reversed and you have not gone any further with it?

Mr. McDONNELL. That was the last court, the Supreme Court of Pennsylvania.

Commissioner O'CONNELL. It was the supreme court?

Mr. McDONNELL. Yes, sir.

Commissioner O'CONNELL. And are you still working for that firm?

Mr. McDONNELL. No, sir; I haven't worked since. I was six months away to the hospital. I carried that arm on a guard for three months.

Commissioner O'CONNELL. Didn't they offer to make any sort of a settlement before you went to court?

Mr. McDONNELL. I got this on the 30th day of September, and I never seen a soul until the 2d of the following January.

Commissioner O'CONNELL. Didn't they send a physician to see you?

Mr. McDONNELL. No, sir.

Commissioner O'CONNELL. Didn't send a physician to see you?

Mr. McDONNELL. Never a soul.

Commissioner O'CONNELL. Did they take you home from the shop or take you to the hospital; and if so, how?

Mr. McDONNELL. I went home in the police patrol.

Commissioner O'CONNELL. Who called that for you?

Mr. McDONNELL. Why, one of the firm.

Commissioner O'CONNELL. And they made no search for you afterwards or called to find out——

Mr. McDONNELL. Never asked "How do you feel"?

Commissioner O'CONNELL. What is the name of that company?

Mr. McDONNELL. Orinoka.

Commissioner O'CONNELL. How do you spell it?

Mr. McDONNELL. O-r-i-n-o-k-a. It is an Indian word. It means a beautiful serpent.

Commissioner O'CONNELL. Just a moment, brother, before we get away from this. This is very interesting. It seems almost beyond the possibility of belief that a firm could be so inhuman as just what you say. Now, what did they charge you with doing, that they fought that case? Just state briefly. I don't want you to recite the whole case.

Mr. McDONNELL. In court the superintendent and the boss I worked under made a statement in court that I was one of the steadiest employees they had——

Commissioner O'CONNELL. Yes; I know; but they must have made some statement. What statement did they make to try to contradict you? Did they say that you ran your arm into the machine purposely, or what did they say?

Mr. McDONNELL. They said there never was anything wrong with the machine, and they never seen it or nobody drew it to their attention.

Commissioner O'CONNELL. How did they come to charge you with contributory negligence?

Mr. McDONNELL. Well, that is the law of Pennsylvania. I don't know. I thought I had a good case.

Commissioner O'CONNELL. Were there any other accidents in that mill while you were there?

Mr. McDONNELL. Yes, sir; there was another man got his arm broke, but that was on the other machine.

Commissioner O'CONNELL. What did they do in his case?

Mr. McDONNELL. Well, I think they paid him. I think he was paid, but he was told to keep it very quiet.

Commissioner O'CONNELL. Well, do you know now—you say you believe—did somebody tell you he was?

Mr. McDONNELL. Yes; I heard he was paid.

Commissioner O'CONNELL. What was he paid, then?

Mr. McDONNELL. There is a man here before the commission that says he told him he was paid.

Commissioner O'CONNELL. About how much?

Mr. McDONNELL. About $9 a week, I guess.

Commissioner O'CONNELL. Oh, while he was off?

Mr. McDONNELL. Yes.

Commissioner O'CONNELL. Do you know anything about the accidents generally in the mills in Philadelphia in your line—are there many of them?

Mr. McDONNELL. Well, I hear of a few.

Commissioner O'CONNELL. Is there much sickness among the men—men off on account of being sick—colds, and so on?

Mr. McDONNELL. Oh, yes; plenty.

Commissioner O'CONNELL. Particularly in the wintertime?

Mr. McDONNELL. Yes, sir.

Commissioner O'CONNELL. Have you any arrangements for taking care of men when they are off sick, or has the firm any kind of organization?

Mr. McDONNELL. Oh, no; there is no hospital that I know of.

Commissioner O'CONNELL. I mean, have they any association, for instance, which would pay you $5 a week, or anything, when you are off sick?

Mr. McDONNELL. No, sir.

Commissioner O'CONNELL. Any association among the men outside of your union?

Mr. McDONNELL. No, sir; except any man might belong to a fraternal organization.

Commissioner O'CONNELL. Oh, yes; but I mean any organization in the mill in which you pay 10 or 15 or 20 cents a week?

Mr. McDONNELL. Well, I believe Brownley's have an association—John Brownley, carpet manufacturer. But I am not very certain as to that. But as a general rule there is no benefits like that.

Commissioner O'CONNELL. Well, you consider the conditions in which you worked there, because of the fact that there is no effort made to take care of the men by having ventilation, and the steam and the heat, and all that sort of thing, very bad?

Mr. McDONNELL. It is very bad.

Commissioner O'CONNELL. You say 25 cents is the average wage per hour in that work?

Mr. McDONNELL. Twenty-five cents per hour.

Commissioner O'CONNELL. Working 10 hours a day?

Mr. McDONNELL. Working 9 hours in the manufacturing dyers' work, and they work 60 hours in the others. If you get the work up they send you home.

Commissioner O'CONNELL. Do you work overtime?

Mr. McDONNELL. Well, our organization takes a stand against overtime. We don't want overtime.

Commissioner O'CONNELL. Well, where they do work overtime?

Mr. McDONNELL (interrupting). Very seldom work overtime.

Commissioner O'CONNELL. If they do work overtime, what are they paid?

Mr. McDONNELL. Oh, just the time per hour.

Commissioner O'CONNELL. Just the same?

Mr. McDONNELL. Well, the Allen Dyeing & Bleaching Co., they pay time and a quarter.

Commissioner O'CONNELL. Do the nonunion concerns pay them about 25 cents an hour?

Mr. McDONNELL. No.

Commissioner O'CONNELL. What do they pay them?

Mr. McDONNELL. Pay from 14 cents up to 30 cents an hour.

Commissioner O'CONNELL. For grown men, 14 cents an hour?

Mr. McDONNELL. No; the men would have perhaps $11 or $12 a week.

Commissioner O'CONNELL. Who would be paid 14 cents an hour?

Mr. McDONNELL. Well, the learner. William Wood, he pays his learners, I think, $7 a week, and when you become to be expert you get $9. There are machine men working there for $9.

Commissioner O'CONNELL. Do they have any difficulty in getting people—getting workmen?

Mr. McDONNELL. Yes; sometimes, if our trade is busy, we find the dyers sometimes scarce.

Commissioner O'CONNELL. I should think they would prefer to work for the street car company at 30 cents an hour, out in the open.

Mr. McDONNELL. Yes; it would be better. We have had instances where some of our men have had their feet frostbitten in the dyehouses in the wintertime, and that is in an inclosed building.

Commissioner O'CONNELL. The heat from the kilns goes up and the frost comes in from below?

Mr. McDONNELL. You have got the torrid zone on your face and the frigid zone on your feet. There has been no advance within the line for the dyers of Philadelphia in the way of provision for their comfort. It is a crying shame—the dyehouses of Philadelphia, their condition. It is a crying shame. Why, in the wintertime in an inclosed building it is nothing new for a dyer to go and draw off a bucket of hot water and thaw out the very yarn that he is going to do, where it has been frozen in balls upon the sticks in an inclosed building. That happened to me when I worked in the Firth & Foster's house, and that happened to me when I worked in the Allen Dyeing & Bleaching Co. I think that the dyehouses of Philadelphia are the worst sanitary buildings in the United States of America. I want to be strong on the sanitary conditions.

Commissioner LENNON. Do you believe the textile workers of Philadelphia, generally speaking, receive a living wage?

Mr. McDONNELL. I do not.

Commissioner LENNON. What rent is paid here for three rooms, say——

Mr. McDONNELL (interrupting). Three rooms?

Commissioner LENNON. With bath.

Mr. McDONNELL. You don't get a three-room house with bath.

Commissioner LENNON. Don't they have any baths in Philadelphia?

Mr. McDONNELL. You get a three-room house, it will generally be on the alley or some little bit of a street, what you call a double house, what you call where they build them with three rooms on the street up on the front. Well, that would be $9 a month. There is no yard there. And you will have to go to the back—then in the back of the building there are three more rooms straight up and you have got to pay them for that $8 and one yard will do for both; and you have got to be very neighborly to live there.

Commissioner LENNON. Well, now that is for three rooms $8 and $9 a month. How large a family will live in one of those houses in Philadelphia? Now, don't give us an extreme case.

Mr. McDONNELL. No; I will give you the straight of it. I will give you the truth, for I have had that experience myself and I have come up from the ground floor, and am the father of 12 children. We lived in a three-room house, because we had to, not because I liked it; and you would have to get along with about six in the family, my four children and my wife and myself, and then when you come to get your children up so as one of them at the age of 14—and if you could fool the inspector a little before, and get her to work, or if it was a boy get him to work, well you might move out and move to a four-room house; and you will pay $12 for that.

Commissioner LENNON. And that is with a family of six.

Mr. McDONNELL. Yes.

Commissioner LENNON. Now, how are these houses situated as to the places where the men and the women have to work? Will they have to pay street car fare or can they walk?

Mr. McDONNELL. Well, that is just according to——

Commissioner O'CONNELL. Well, I mean the general run. I don't mean some particular one——

Mr. McDONNELL (interrupting). Well, you might say that one-third of the textile workers have got to pay car fare. For instance, I have two daughters that are both hosiery workers. They work at Frankfort, and I live in Kensington, and, of course, that is car fare each way. It costs them 20 cents a day.

Commissioner LENNON. What is the cost of meat here compared with what it was 20 years ago—beefsteak?

Mr. McDONNELL. Oh, my. When I was married my wife could go out and get 2 pounds of beefsteak for a quarter. Now she has to pay about 30 cents for it.

Acting Chairman WEINSTOCK. For 1 pound?

Mr. McDONNELL. I mean for 1 pound. If you buy good beefsteak you will pay 25 cents a pound for it now or a little more.

Commissioner LENNON. How about the other material things on which you have to live, potatoes and apples?

Mr. McDONNELL. I am just going to tell you. Sometimes I run errands when I am home. I don't mind going to the grocery store. Winter before last there was a very singular thing struck me, and it was butter. And that butter remained at the same fixed price for the whole winter. It was 40 cents a pound. And I said to the grocery man, I says, "How is that? Don't it fluctuate one way or the other? It remains fixed." I says, "You would think some one had that nailed down." "Oh, yes," he says, "you can bet they have." That is the Butter Trust, I suppose.

Commissioner LENNON. You don't know that three men meet in Elgin, Ill., every morning at 9 o'clock and fix the price of butter for the United States?

Mr. McDONNELL. No; but I know the bottom fell out of it here about two years ago, and the best of the prints was dumped in the market at 25 cents a pound. That is the only time that we got the best of the Butter Trust.

Commissioner O'CONNELL. I think they were only joking with you then at that time.

Mr. McDONNELL. Well, that may be.

Commissioner LENNON. I think you must be a Scotchman.

Mr. McDONNELL. No; I am an Irishman.

Commissioner LENNON. That is all, sir.

Acting Chairman WEINSTOCK. One moment. When did this accident occur, Mr. McDonnell, that you have told us about, to your arm?

Mr. McDONNELL. It occurred the 30th of September, 1908.

Acting Chairman WEINSTOCK. How long were you disabled? How long before you could go back to work?

Mr. McDONNELL. I have never worked at any manual work since. My right arm is an inch and three-quarters shorter than this other; and that is the natural position of the arm as it is in now [exhibiting his arm].

Acting Chairman WEINSTOCK. And it was the cause of permanent disability?

Mr. McDONNELL. Oh, yes.

Acting Chairman WEINSTOCK. Unfitting you for manual labor?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. How long a time intervened from the time of the accident until your case was decided in the supreme court?

Mr. McDONNELL. Almost four years. It was almost four years before it came into the lower court.

Acting Chairman WEINSTOCK. About four years were consumed from start to finish?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. What medical expenses were you subjected to during that period?

Mr. McDONNELL. Well, I had none, only I went to Dr. Dempsey. I attended the Episcopal Hospital for my arm, and Dr. Dempsey prescribed a little medicine to keep up my strength.

Acting Chairman WEINSTOCK. So you had comparatively little medical expense to meet?

Mr. McDONNELL. Not much expense.

Acting Chairman WEINSTOCK. What were your legal expenses?

Mr. McDONNELL. Legal expenses wasn't anything.

Acting Chairman WEINSTOCK. Didn't you employ a lawyer?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. On a contingency?

Mr. McDONNELL. Well, the only understanding I had with the lawyer was this: When I gave him the case and talked the matter all over he said that he would treat me like a brother. That was just the words he used.

Acting Chairman WEINSTOCK. Well, that is the usual treatment that lawyers give their clients.

Mr. McDONNELL. Now, I must have been a stepbrother in this case.

Acting Chairman WEINSTOCK. And, now, in the event that you had gotten the award that was given you by the jury, the sum of $2,000, how much of that, under your understanding, would your attorney have gotten, according to your contract, and how much would you have retained for yourself?

Mr. McDONNELL. Well, I just couldn't rightfully answer that. Under that arrangement, I believe, if we had got the $2,000, he would have kept $1,000 for himself—if he would treat me like a brother.

Acting Chairman WEINSTOCK. Well, you say you had no understanding with your attorney as to what proportion of the award he was to get in the event of there being an award?

Mr. McDONNELL. No, sir; that is all. I trusted to his honesty.

Acting Chairman WEINSTOCK. But as it was, then, he really received nothing for his services?

Mr. McDONNELL. No, no; he didn't receive anything, because the case was lost in the supreme court.

Acting Chairman WEINSTOCK. I presume, Mr. McDonald, as the result of your experience you are a party supporter and advocate of a workman's compensation law?

Mr. McDONNELL. Indeed I am.

Acting Chairman WEINSTOCK. Is that the attitude of your fellow workers? Are they all in favor of workmen's compensation?

Mr. McDONNELL. Oh, yes.

Acting Chairman WEINSTOCK. Under workmen's compensation you would have received immediate medical treatment?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. You would have received certain compensation during your total disability and you would have received a certain compensation for the fact of your having met with a permanent disability. Now, how were you supported during all this period when you were unable to earn——

Mr. McDONNELL. Well, I will make a plain statement. I had about $200 saved. I had three children working, and we put our heads together when I saw the attitude of the firm; that they never came near me; never sent anyone to ask "how do you feel." I made up my mind to sue. And I waited for six weeks and I entered suit. So we had a talk, me and my wife and the children, and we came to the conclusion that the children would keep me, which they did. Whatever little money I had I drew it out; and of course I will say for the Orinoka Shop Association, they were men. They offered to get up a benefit. I said, "No; if I am hard up I will come and let you know." And another organization I belonged to myself offered, but I said, "No; I am going to make this fight, and the children are going to keep me." That went along; then we organized the dyers in 1909. I am the man that organized the dyers of Philadelphia, and they began to pay me a little, but after I had worked almost a year. So I have a salary now from the dyers of Philadelphia. They pay me.

Acting Chairman WEINSTOCK. Well, now, for the time being, then, you became a burden upon your children?

Mr. McDONNELL. Oh, yes.

Acting Chairman WEINSTOCK. If you had had no children who were breadwinners——

Mr. McDONNELL. Well, I would have had to go to the almshouse.

Acting Chairman WEINSTOCK (continuing). You would have become an object of charity?

Mr. McDONNELL. I would have been a pauper.

Acting Chairman WEINSTOCK. And your children, how would they have lived if they had not been old enough to be breadwinners?

Mr. McDONNELL. Oh, yes; I often thought of what it would have been if it had happened to me 10 years previous to the time I got it. I think it was inhuman.

Acting Chairman WEINSTOCK. Now, you say you waited six weeks before you entered suit against your employers?

Mr. McDONNELL. Yes, sir.

Acting Chairman WEINSTOCK. Before entering suit against your employers did you approach them in any way?

Mr. MCDONNELL. No; I never went near them. I will tell you why. I had a week's wages I drew, and I sent up the little girl and she got the week's wages, and it happened that I got hurt on a Wednesday and they had run into the new pay; and when I got my pay the second time I sent her up they sent me down the day's pay and the 10 cents short in the envelope; so I did not think I would have much show with a firm like that.

Acting Chairman WEINSTOCK. What effect did your case, so far as you know, Mr. McDonnell, and the treatment of your case have upon the minds of your fellow workers? What spirit did it create in their minds toward their employers?

Mr. MCDONNELL. It created, of course, a very bad impression amongst the workers.

Acting Chairman WEINSTOCK. That is, it tended to destroy whatever good will——

Mr. MCDONNELL. Any confidence that a worker would have in an employer. Now, I don't say that they are all like that. I will quote you another case where two of our men got killed.

Acting Chairman WEINSTOCK. Same employer?

Mr. MCDONNELL. No; but the same sort of employment—in an upholstery mill. And there was two men got killed by a large tank falling down and one man got injured, and, in fact, it knocked the whole dyeing end out; and that firm—they kept their men at work every day; paid the man that was hurt; sent him off to Atlantic City for a little time; gave him a lump sum; and the two men that were killed, they settled for $3,500 on the widows. That was the firm of Stead & Miller.

Acting Chairman WEINSTOCK. That is all, Mr. McDonnell. Thank you very much.

TESTIMONY OF MR. MITCHELL STEAD.

Mr. BUSIEK. You are connected with what concern?

Mr. STEAD. Folwell Brother & Co.

Mr. BUSIEK. What kind of products does your mill turn out, Mr. Stead?

Mr. STEAD. Ladies' dress goods.

Mr. BUSIEK. That is woolens?

Mr. STEAD. Not woolen—worsted.

Mr. BUSIEK. Dry goods?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. About how many employees do you employ, Mr. Stead?

Mr. STEAD. Nine hundred.

Mr. BUSIEK. That is the capacity of your plant, is it?

Mr. STEAD. We have 900 employed now.

Mr. BUSIEK. Is that number fairly constant?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. Mr. Stead, is there any organization of employees in your mill?

Mr. STEAD. Not that I know of.

Mr. BUSIEK. You don't treat or deal with any union?

Mr. STEAD. No, sir.

Mr. BUSIEK. Have you ever compared the wages paid by your mill with the wages paid by mills in competing cities or competing mills?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. How are they, Mr. Stead?

Mr. STEAD. Why, I think the average textile wages paid in Philadelphia are a trifle higher than any city I know of.

Mr. BUSIEK. And to what do you attribute it—to the organization of the employees?

Mr. STEAD. I could not attribute it to anything but because Philadelphia has got an exceptionally high-grade class of workpeople.

Mr. BUSIEK. Is there any employers' association in Philadelphia or do you manufacturers have an organization of any kind?

Mr. STEAD. There was up to a few months ago, but I think it has been discontinued now.

Mr. BUSIEK. What are the hours of labor in your plant?

Mr. STEAD. Fifty-four hours.

Mr. BUSIEK. Do you pay by what is known as the piecework method or pay straight day's wages?

Mr. STEAD. No; only partially pieceworkers, but principally straight wages.

Mr. BUSIEK. And what do they amount to, straight wages?

Mr. STEAD. I couldn't tell you in the aggregate, but I can give you the rate of——

Mr. BUSIEK. Give us the rates of the various departments.

Mr. STEAD. Would you like to know first of all the proportion of males and females?

Mr. BUSIEK. Yes; if you please.

Mr. STEAD. Well, we have 900, and out of that 500 females and 400 males. The female minors 133 and the male minors 72. Now, when a child receives an employment certificate for leaving school to commence work and takes a position in our mill we start them with $5 a week; and from then on why just as they are fitted for the kind of work they increase.

Mr. BUSIEK. How much did you start them out with?

Mr. STEAD. Five dollars.

Mr. BUSIEK. Five dollars?

Mr. STEAD. Yes; that is, a child of 14.

Mr. BUSIEK. And has every child an opportunity to work into a better-paying position?

Mr. STEAD. Absolutely.

Mr. BUSIEK. You recruit what might be termed the journeymen workers from the children employed in your mill?

Mr. STEAD. Yes, sir; and the leading men in our mill have all been brought up that way.

Mr. BUSIEK. A weaver is the highest position that they can attain as a workman, is it not?

Mr. STEAD. Oh, no.

Mr. BUSIEK. What is a better-paying position than weaver?

Mr. STEAD. Well, take for instance the loom fixers, the men who look after the looms.

Mr. BUSIEK. How much do they make?

Mr. STEAD. They make about $22 to $22.50.

Mr. BUSIEK. Do they get any percentage on the products besides?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. Let's have that table now that you were going to read, Mr. Stead?

Mr. STEAD. Shall I give it to you?

Mr. BUSIEK. Now, just read us the various grades of employment and the wages paid?

Mr. STEAD. Well, you are conversant with these goods, are you?

Mr. BUSIEK. Well, slightly.

Mr. STEAD. Well, take for instance worsteds, cardage; that is, preparation of the wool. It is the first preparation. They range from boys at $6 and $7 and card minders that get $10 and the second hands get $13 and the chief carder $25.

Combing hands, they commence at $6.50, and the main leader, $10; the washing-machine hands, $13; second hands, $20; and leaders, $25 also.

In the drawing they commence at $5 with these little apprentices, and they run on $6, $6.50, $8, and $17.50, also with the leaders at $25.

The spinning is exactly the same.

The warping, such as the slashers' hands—they are men who prepare the warps for the weavers—they commence at $5, then $6.50, $7, $10, and $16 and $17. Their leader also gets very much higher salary.

In the finishing room they commence with the boys and young men and at $10, $12, $14, and $17. That applies all through the finishing.

In the making up of packages of the goods, they are done by boys and men combined, whose wages range from $7 to $16.

Mr. BUSIEK. Dyers, I notice, are $11 to $12?

Mr. STEAD. $11.50 to $12.

Mr. BUSIEK. $11.50 to $12.

Mr. STEAD. Yes, sir.

Mr. BUSIEK. And most of the other men, at least there is the possible attainment for them of something like $25. Why this discrepancy in the matter of dyers?

Mr. STEAD. I didn't say we paid any dyers $25.

Mr. BUSIEK. I notice in the list you paid other men as high as $25.

Mr. STEAD. The chief dyer himself would get three times $25.

Mr. BUSIEK. The chief dyer would get three times $25?

Mr. STEAD. Yes, sir.

Mr. BUSIEK. But his work in the dyehouse, is it of such a nature, such a simple character, that you can get men to do it for $12 a week?

Mr. STEAD. Well, there is no work simple, unfortunately. I think these wages are all largely a matter of custom.

Now, in the machinist department, where we have laborers and machine hands and carpenters and things, the laborers get from $10 to $12, and the others from $17 up.

Mr. BUSIEK. Does that complete your list?

Mr. STEAD. That completes my list, yes, sir.

Mr. BUSIEK. Will you kindly furnish that to the reporter?

Mr. STEAD. Yes, sir.

(See Stead exhibit.)

Mr. BUSIEK. Philadelphia is what is known as an open-shop town in the textile industry, is it not?

Mr. STEAD. I can hardly answer that question, but I believe generally it is.

Mr. BUSIEK. Have you ever had in your mill any trade agreement with any labor organization?

Mr. STEAD. No, sir.

Mr. BUSIEK. I take it you don't want to, or you would?

Mr. STEAD. No, sir. I have never been asked to make any agreements. Our relations with our people are very amicable and I have never had any difficulty in settling whatever differences we might have had. We have had no strikes or no differences of any kind.

Mr. BUSIEK. You say you have had no strikes?

Mr. STEAD. No, sir; outside of strikes which have taken place outside of our own plant. Our general 55-hour strike and that sympathetic strike, trolley, which we couldn't control.

Mr. BUSIEK. But otherwise you have had no strikes?

Mr. STEAD. No, sir; none at all.

Mr. BUSIEK. Are the wages paid in Philadelphia determined in any degree by the wages paid for similar work in competitive cities and plants?

Mr. STEAD. Well, I could hardly answer that question. I could only say that by comparison they are high.

Mr. BUSIEK. They are high?

Mr. STEAD. Yes.

Mr. BUSIEK. What has been your experience with the enforcement of sanitary laws by the State factory inspector? Is the inspection rigid and frequent?

Mr. STEAD. Oh, yes. I can answer your question by saying that a self-respecting mill owner does not need to be schooled in that direction. He will do it himself.

Mr. BUSIEK. He will set the pace before the legislature?

Mr. STEAD. That is what he will.

Mr. BUSIEK. I believe that is all.

Acting Chairman WEINSTOCK. Have you any questions, Mr. O'Connell?

Commissioner O'CONNELL. I believe not.

Acting Chairman WEINSTOCK. Mr. Lennon?

Commissioner LENNON. What object is there for the younger employees—have they any opportunity in your mill to add to their education? Is there any opportunity for them to attend continuation schools?

Mr. STEAD. You mean a scholastic education?

Commissioner LENNON. Yes.

Mr. STEAD. No, sir. That is entirely voluntary. There is the usual night school and our trade schools in Philadelphia, all of which they can attend.

Commissioner LENNON. Have you any idea of the grade of scholarship that young people, say, between 14 and 16, have when they enter your employ?

Mr. STEAD. Yes, sir.

Commissioner LENNON. About what grade?

Mr. STEAD. They will go through the grammar grade.

Commissioner LENNON. Will they go through the eighth grade?

Mr. STEAD. Yes.

Commissioner LENNON. I understood from some of the schoolmen here that they issue certificates as low as the second and third grades sometimes. Of course, that might not apply to anyone going into your employ?

Mr. STEAD. I don't think that applies. When my son chose mill life, he was then 14. I put it to him in that way: If you are going to learn mill life you ought to go just when the boys do, at the same age, to have the same chances, and he passed through the grammar grades.

Commissioner LENNON. You think most of them in your employ have done that?

Mr. STEAD. I think so.

Commissioner LENNON. That is all I have.

Acting Chairman WEINSTOCK. What is your attitude, Mr. Stead, as a manufacturing employer, toward the enactment of a workman's compensation act?

Mr. STEAD. Why, it has been our practice at all times to take care of everybody that is injured in our employ, regardless of contributory negligence or anything else, and we always take care of them; that is, provide them with medical attention if need be, always paid their full wages until they resumed their employment again. That would answer you?

Acting Chairman WEINSTOCK. No. Perhaps I did not make myself clear.

Supposing you had a vote on the question as to whether the State of Pennsylvania should or should not exact a workman's compensation? How would you vote?

Mr. STEAD. I think they ought.

Acting Chairman WEINSTOCK. How would you vote? You would vote for it?

Mr. STEAD. I would; yes, sir.

Acting Chairman WEINSTOCK. You think that, in the interest of both worker and employer, there should be such an act?

Mr. STEAD. Certainly.

Acting Chairman WEINSTOCK. You say that you do not deal with unions because you have never been called upon?

Mr. STEAD. No, sir; I have never been called upon to.

Acting Chairman WEINSTOCK. If this commission were to ask for your advice as a citizen, and as an observing manufacturer, whether it should or should not recommend to the employers of the nation the matter of entering into trade agreements, with a view of establishing a higher degree of industrial peace, what advice would you offer to the commission on that question?

Mr. STEAD. I think you ought not ask me that question.

Acting Chairman WEINSTOCK. You think not?

Mr. STEAD. No, sir.

Acting Chairman WEINSTOCK. You are not obliged to answer that question if you don't desire to.

Mr. STEAD. I think you ought not ask me.

Acting Chairman WEINSTOCK. We are seeking advice and counsel from men whose opinions are worth having, and that is a problem upon which this commission will have to pass, whether we shall or shall not recommend to the employers of America the adoption of trade agreements, and our judgment must necessarily be influenced more or less by the opinions of men worth listening to, and I regard your opinion as one worthy of respect.

Mr. STEAD. My relations with working people, and I have never been—I have been 54 years in service and have always had amicable relations in every way. I have never been called upon to meet any situation that we met hard feelings or hard feelings or anything, so my relations have been extremely pleasant.

Acting Chairman WEINSTOCK. I didn't put the question, Mr. Stead, in the hope of your answering it from the standpoint of your experience in your own mill, but in the hope that you would answer it from the standpoint of a man of experience, a citizen and an employer of labor.

Mr. STEAD. No, sir; I couldn't answer that question.

Acting Chairman WEINSTOCK. Are the workers in your industry organized?

Mr. STEAD. I don't believe so.

Acting Chairman WEINSTOCK. Are the employers in your industry organized?

Mr. STEAD. No, sir.

Acting Chairman WEINSTOCK. How many competitors have you in your territory here?

Mr. STEAD. Why, I don't know, but we have not a great many here in our territory. The foreign manufacturer is our greatest competitor just now.

Acting Chairman WEINSTOCK. Are there any competitors in your territory?

Mr. STEAD. Yes.

Acting Chairman WEINSTOCK. How many?

Mr. STEAD. I couldn't tell you how many; not many.

Acting Chairman WEINSTOCK. Approximately?
Mr. STEAD. Not many.
Acting Chairman WEINSTOCK. A dozen?
Mr. STEAD. No, sir. Making just exactly the same line of goods we make?
Acting Chairman WEINSTOCK. Yes.
Mr. STEAD. Not a dozen.
Acting Chairman WEINSTOCK. A dozen?
Mr. STEAD. Yes.
Acting Chairman WEINSTOCK. You have no employers' association?
Mr. STEAD. No. We did have some time ago a cloth manufacturers' association, but it died a natural death.
Acting Chairman WEINSTOCK. Did it die a natural death, Mr. Stead, because there was nothing for that association to do, or because the members did not get along with each other?
Mr. STEAD. There practically was nothing to do.
Acting Chairman WEINSTOCK. It had no excuse for existence?
Mr. STEAD. It had no excuse for existence.
Acting Chairman WEINSTOCK. Have the workers in the industry ever come collectively with demands on the employers?
Mr. STEAD. Have they what?
Acting Chairman WEINSTOCK. Have the workers in your industry ever acted collectively and come to you and to other employers and made certain demands for better conditions, shorter hours, and higher wages?
Mr. STEAD. You mean union representatives?
Acting Chairman WEINSTOCK. Yes.
Mr. STEAD. No, sir; not to me.
Acting Chairman WEINSTOCK. They never have?
Mr. STEAD. No, sir.
Acting Chairman WEINSTOCK. The trade, then, is not organized?
Mr. STEAD. I don't think so.
Acting Chairman WEINSTOCK. If it is, you have seen no evidence of it?
Mr. STEAD. No, sir; I have seen no evidence of it if it is. It may be, for anything I know. I don't want to go on record as saying that as a matter of knowledge, but I don't know.
Acting Chairman WEINSTOCK. This commission, as you can readily see, would feel it very hard to comply with the duties that have been placed upon it by Congress, which are to find possible solutions for these labor problems—we would find it very hard to fulfill that duty by working out remedies from its own inner consciousness; the only way we can do so is by the way we are doing now, sitting at the feet of others and profiting by their suggestions and experiences.
Mr. STEAD. I believe that if people would give up talking about it and let it alone it would die a natural death.
Acting Chairman WEINSTOCK. What would die a natural death?
Mr. STEAD. The unrest.
Acting Chairman WEINSTOCK. Then, according to your judgment, Mr. Stead, you think that nothing ought to be done?
Mr. STEAD. I must not say that either, but I say it certainly would help that anyhow if we didn't discuss it so much.
Acting Chairman WEINSTOCK. Then I should judge, from your point of view, that this commission is a mistake, because it stirs the thing up. You see we have stirred it up here; we are getting information from all sides; we are throwing light where darkness has prevailed. I get it from your point of view that we are doing more harm in stirring things up than we are doing good?
Mr. STEAD. I can only say that you are using the words, not I.
Acting Chairman WEINSTOCK. Have you any suggestions that you feel you would care to make to this commission that is likely to prove helpful or of interest?
Mr. STEAD. No, sir. If I knew anything at all that would help you in any way, shape, or form I would be glad to do it.
Acting Chairman WEINSTOCK. If you were in our place, what would you do?
Mr. STEAD. I don't know. You have a task.
Acting Chairman WEINSTOCK. We have discovered that, Mr. Stead.
Mr. STEAD. Yes, you have. I might say to you that if there is anything I can do to either help you or your representatives, I will place the whole of the Collingwood mill and its workings entirely at your service. You can either

come or send a representative, and if I can help you in any way, shape, or form I will be glad to.

Acting Chairman WEINSTOCK. We appreciate that, Mr. Stead, and if any suggestions come to your mind we would be very grateful if you would send them to us in writing.

Mr. STEAD. All right.

Acting Chairman WEINSTOCK. And they will receive our grateful consideration. That is all, thank you.

Mr. BUSIEK. I will call Mr. Ferris.

TESTIMONY OF MR. WILLIAM T. FERRIS.

Mr. BUSIEK. State your full name.

Mr. FERRIS. William T. Ferris.

Mr. BUSIEK. What is your occupation, Mr. Ferris?

Mr. FERRIS. Hosiery finisher.

Mr. BUSIEK. Are you connected with any labor organization of your craft?

Mr. FERRIS. Yes, sir.

Mr. BUSIEK. What is your position?

Mr. FERRIS. I am president local 696 of the hosiery workers.

Mr. BUSIEK. How long has that organization been in existence?

Mr. FERRIS. June 25, 1909.

Mr. BUSIEK. If you don't mind telling, about how many members have you?

Mr. FERRIS. Well, the trade I think covers about 1,000 hosiery workers. We have about 600 members in our union.

Mr. BUSIEK. Sixty per cent organization?

Mr. FERRIS. Yes, sir.

Mr. BUSIEK. Are there any closed shops—that is, shops that employ nothing but union help—with whom you have union contracts?

Mr. FERRIS. No, sir. We have no union contracts; but we have some pretty fair firms that have already given us conditions through the demands of the men for conditions; they have already conceded. You understand what I mean?

Mr. BUSIEK. Yes.

Mr. FERRIS. We have no signed contracts.

Mr. BUSIEK. Thus far, those shops, do they carry the rest of the trade with them? Or do they pay a better rate than the other shops?

Mr. FERRIS. Since our organization started they pay better rates than the others.

Mr. BUSIEK. Expressed in percentage, about how much have the wages increased since your organization came into existence?

Mr. FERRIS. I will have to explain: There are two kinds. We have what they call the full-fashioned hoisery and seamless work, and you can not expect the manufacturer working on seamless, manufacturing seamless, to pay the same as full-fashioned hose, because it is a higher grade stocking. And the result is that one class pays more than the other, and the fashioned work, they pay more, I think, than on the seamless.

Mr. BUSIEK. Well, in figuring it in the day's wages, do they amount to about the same or more?

Mr. FERRIS. Well, no. We have—our wages is from $3 to $3.50 a day. That is in different shops, you understand. But that has only existed since our organization came into existence and got into the harness and got the members together, and that is how it came to exist. Had it not been for that perhaps, before our organization we made only around $2.25 to $2.75 a day, and then had to do pretty near twice the amount of work we have to do to-day.

Mr. BUSIEK. So, since your organization you have cut down the amount of work which you do?

Mr. FERRIS. That is only on these certain grades. We had to do it because it was getting so bad on your health and so on that you had to do it—had to lower down your production a little bit in order to make a living out of it.

Mr. BUSIEK. And you increased your wages fully 50 per cent?

Mr. FERRIS. Not 50 per cent; about 30 per cent.

Mr. BUSIEK. From $2.25 to——

Mr. FERRIS (interrupting). Well, that is taking grades all along the line.

Mr. BUSIEK. Well, as an officer of a union you are, I suppose, familiar with the wages paid in other cities doing the same kind of work, are you not?

Mr. FERRIS. Well, I can't say if we are in touch, because there isn't so many organizations outside of Philadelphia. There is one in Brooklyn and one in New Orleans, and we don't get together only once a year in convention where we get in touch with the prices.

Mr. BUSIEK. How do the prices in Philadelphia compare with other places where they are organized?

Mr. FERRIS. Pretty good. You must listen to this. It sounds pretty good to hear me say that we get $3 to $3.50 a day, but, as a hosiery boarder from experience, outside of a couple of shops working in Philadelphia to-day that is working steady, the other shops is working such bad conditions, from two to three days a week at this time, that it brings it down to such an extent it is not a living wage. Some of our men are getting $6 a week and some $8. But I will say there is a couple of shops that is working; three shops I think it was; they are Collingwood & Huntsiker working steady, and Brown's, and the Folwell Bros. & Co. I think they are three shops working steady, and they are the only men getting the benefit of this depression in the hosiery business at this time.

Mr. BUSIEK. Well, what is this depression due to? Is it too many workers or are there too many men for the job, or just a general business depression?

Mr. FERRIS. Well, it seems to me that is a hard matter to understand for ourselves. We are just ordinary workers working in the shop, but we feel in the State of Pennsylvania it is political.

Mr. BUSIEK. You think the condition is political here?

Mr. FERRIS. That is what we believe in the hosiery line trades to-day—is political.

Mr. BUSIEK. Now, how do you figure that out, or just what are your views on that?

Mr. FERRIS. Well, the general rules is that this administration, for instance. I had an interview with one manufacturer, and he claims there was eight jobbing houses combined together that is buying hosiery from Germany, and he received a letter where one of his friends had lost $15,000 in a deal some way or other, and he says these here eight houses have joined together and are buying hosiery from Germany for $1.44 here, paying duty and all on it, where they could not produce the same kind of a fashioned stocking this is under $1.80 in the city here or in the country here. Now——

Mr. BUSIEK. (interrupting). Well, you can not lay that to the mill owners, can you?

Mr. FERRIS. No.

Mr. BUSIEK. Go ahead. You were going to say something.

Mr. FERRIS. Well, it seems in some of our factories they have posted a notice to the effect, on the walls, to the effect that if there is anything to be done by us to meet the conditions that these manufacturers on the other side put, as much as telling you they have got to have Penrose in the Senate.

Mr. BUSIEK. He is to put back a high tariff?

Mr. FERRIS. Yes.

Mr. BUSIEK. Could you furnish the commission with a copy of your constitution?

Mr. FERRIS. I have a copy, but I must say I forgot it. I thought I had it with me this morning, but I could send it to you. In fact, I am coming this way to-morrow morning on a little business to the Betz Building and will drop in with it.

Mr. BUSIEK. What are the sanitary conditions in the hosiery business?

Mr. FERRIS. Well, I must say this, that they are pretty fair to what they were before this State department of investigation got looking after sanitary conditions, or I think the manufacturers took a little pity on us fellows, for the simple reason they used to put our class of work in the worst place in the mill, lots of times in the cellar, where there would be no ventilation. I will give you an idea where you would have to work: Say here is a bench, two or three men on it, and a dry box there. Well, as you fill the 12 boards of stockings you have to walk to that box, and there is 250 degrees of heat with smoke pushing out at all times, and eventually it gets all through the room, and they haven't enough fans to draw it out. Even at that I have went in some places where they have had enough fans that you would think would take the smoke out and fans also running from the box out into the open to take the smoke out, but nevertheless the smoke lays in there and at the end of a day you are like a smoked herring when you come out. It seems the manufacturers

are not thinking of the boarders, except a couple of places where they let in more ventilation and air and more sunlight.

Mr. BUSIEK. Explain to the commission what the duties of a boarder are—what part of the work he does.

Mr. FERRIS. Why, after the stocking is made it goes to the dyehouse, gets dyed, and it comes to the boarder to be shaped. They have boards shaped to the leg and foot, and naturally when you board that it is damp; then you take it to this box to dry it, and when you take it from the board it leaves that shape there. You have to keep constantly going backward and forward, and all the work lies on your body at this time. But some genius is getting up a machine what we would not have to make no walk at all practically; the idea that we will stand in one place. The only thing is, we will have to have something over us to keep the heat off us. Now, where the water comes in a box they tell us it will make it a little better for us in the shop.

Mr. BUSIEK. That is all.

TESTIMONY OF MR. RUFUS W. SCOTT.

Mr. BUSIEK. State your full name.

Mr. SCOTT. Rufus W. Scott.

Mr. BUSIEK. You are the superintendent of the Taubel Hosiery Mills?

Mr. SCOTT. Not exactly; I am a director in the company and manager of some of its plants in Philadelphia.

Mr. BUSIEK. How many people do you employ?

Mr. SCOTT. Approximately 6,000.

Mr. BUSIEK. In the hosiery mills of Philadelphia, seamless stockings?

Mr. SCOTT. Not altogether in Philadelphia. We have mills in Shamokin and Tamaqua and Mount Carmel, and Riverside, N. J., and eight plants here in Philadelphia.

Mr. BUSIEK. How do the wages paid in Philadelphia compare with other competitive plants?

Mr. SCOTT. We have no direct way of knowing except on certain lines of goods. We have great difficulty in making them and marketing them under the prices we have to pay here; some of the cheaper things we can not make here.

Mr. BUSIEK. Who makes them? Are they made in this country?

Mr. SCOTT. Made in the South. The seamless stockings up to this time have not been made in Europe to any extent; they are just beginning to send the machines there. Now, the machine was made in this country and had its inception in this country, and up to this time we have had practically no competition on seamless stockings. In fact, the seamless stocking is the rag of the stocking business, so-called. We are not the aristocrats in the business. We cater to the angry mob, and make stuff every one can afford to wear.

Mr. BUSIEK. You say the seamless stockings are not the aristocrats?

Mr. SCOTT. No; they are for very ordinary folks.

Mr. BUSIEK. About how many women do you have employed out of that number, what percentage?

Mr. SCOTT. We have approximately 750 in the plants who are women.

Mr. BUSIEK. And what part of the work do those men do ordinarily?

Mr. SCOTT. They are machine fixers, superintendents, foremen; we will say, in some places run machines, rib frames, make the frames and the legs of children's stockings.

Mr. BUSIEK. What is the lowest wage that you pay in your mill?

Mr. SCOTT. That is all piecework.

Mr. BUSIEK. It is all piecework?

Mr. SCOTT. Except the mechanics, the machinists, the foremen, and forewomen.

Mr. BUSIEK. Do you have a daily stint, a minimum?

Mr. SCOTT. We have nothing that is compulsory; we have in some mills a fixed number of dozens, after making which an operator is allowed to go home if they so desire.

Mr. BUSIEK. Who fixes the number of dozens?

Mr. SCOTT. A fixed number of dozens from the machine, and after making that number of dozens a girl may go home if she so desires. A small percentage of them avail themselves of that privilege.

Mr. BUSIEK. How much would this minimum pay?

Mr. SCOTT. The minimum on a knitting machine will pay about $2.30.
Mr. BUSIEK. A day or a week?
Mr. SCOTT. A week. The men——
Mr. BUSIEK. (interrupting). A day?
Mr. SCOTT. The amount that a girl can make and then go home.
Mr. BUSIEK. Well, lets' call that the minimum; that would be about $2.30 a day?
Mr. SCOTT. Well, don't misunderstand me; there are very many people who do not make that number of dozens, and who do not, for one reason or another, do not come up to that standard.
Mr. BUSIEK. Well, is there any point that you call, for instance, a point of efficiency?
Mr. SCOTT. Oh, yes; otherwise we would have very few, if we held every one to this maximum production, then, of course, we would have very few people.
Mr. BUSIEK. Well, is there any certain point an operator must turn out to keep his or her place at the mills? Is there any?
Mr. SCOTT. Oh, yes.
Mr. BUSIEK. You would not give a machine to an incompetent person?
Mr. SCOTT. Well, it works different. The operators work one, two, or three machines, and a girl who is not competent or proficient enough to run three machines has two machines, usually.
Mr. BUSIEK. Well, what I am trying to get at is the maximum and minimum wage for operators. What does it run to, if you have not got the exact figures——
Mr. SCOTT (interrupting). I could only give averages.
Mr. BUSIEK. Well, give us averages, then.
Mr. SCOTT. Well, in knitting, our last full pay the girls made $2.09 a day. That includes every one running a knitting machine.
Mr. BUSIEK. Now, there are—give us the other classes of employees; there are a number of operations?
Mr. SCOTT. Loopers made $2.16. That is a girl who closes the toes of the stockings, a very difficult operation, and looked on as being one of the hardest operations in that craft.
Mr. BUSIEK. And give us the other.
Mr. SCOTT. The other highly paid operation is the winding of the silk or artificial silk. That averages approximately the same as knitting.
Mr. BUSIEK. How about the lower paid occupations?
Mr. SCOTT. Well, that would be the main operations, which I mentioned, are the making—the real making—of the stockings. The other operations would be preparatory operations, such as is done by young girls—the trimming-out of the double threads, and the double sole, and the separating of the tops, and work that is usually done by young girls.
Mr. BUSIEK. What do these younger girls make?
Mr. SCOTT. The average of the sole trimmers and the end pullers the last full pay was $1.69.
Mr. BUSIEK. $1.69?
Mr. SCOTT. Yes.
Mr. BUSIEK. A day?
Mr. SCOTT. Yes.
Mr. BUSIEK. Does your firm deal with its employees collectively or as a—will they deal with labor-organization representatives?
Mr. SCOTT. They will not.
Mr. BUSIEK. Have they ever dealt with them?
Mr. SCOTT. Not directly. We arbitrated some labor difficulty this year in which an organization entered into the dealings, but we do not recognize any organizations in our business.
Mr. BUSIEK. May I ask why?
Mr. SCOTT. Well, in the first place, the craft is not particularly organized. It has been very difficult to organize women, for the reason that the average woman enters this business with a totally different idea from what a man would. She looks on it more or less as a temporary proposition. They are coming and going all the time. It has never come to the point where we were asked to or not to recognize them.
Mr. BUSIEK. Well, you have a well-defined attitude in that matter, haven't you?
Mr. SCOTT. We certainly have.
Mr. BUSIEK. And that is that you won't deal with organizations as such?

Mr. SCOTT. No.

Mr. BUSIEK. And I asked of you, why, and you said that the chief or only reason was that they are not highly and efficiently organized.

Mr. SCOTT. Well, we deal successfully with the people that work for us, and never have had but one difficulty in the 30 years the business has been going.

Mr. BUSIEK. Do you think their interests as well as yours are best conserved by dealing as you do?

Mr. SCOTT. I think it is generally admitted in Philadelphia that our interests have been very well taken care of—by our competitors and by the people generally in the mills.

Mr. BUSIEK. You spoke about one strike of more or less magnitude. When was that?

Mr. SCOTT. This past—during the past few months—I think, in December or January.

Mr. BUSIEK. Is that strike still on?

Mr. SCOTT. No.

Mr. BUSIEK. What was your attitude toward the employees who went out on strike? Did you take them back?

Mr. SCOTT. Oh, yes; we have no way of knowing anything about their organization or whether they are members or not. I think the people that were the most rabid in the trouble are all of them still employed by us.

Mr. BUSIEK. Does your company have any organization of any kind, or is there any organization amongst the employees fostered by the company for taking care of employees in sickness?

Mr. SCOTT. Not that I know of.

Mr. BUSIEK. For disability?

Mr. SCOTT. We have in every instance endeavored to follow up every trouble; we have had very little in the way of accidents during the eight years I have been in the company.

Mr. BUSIEK. That is a voluntary attitude by the company?

Mr. SCOTT. We endeavor to follow up and see if there is any suffering, and always have, or in several places have, for four or five months, in the case of injury or sickness kept them on the pay roll, and things of that kind.

Mr. BUSIEK. Did you keep them on the pay roll?

Mr. SCOTT. It is not a universal rule, but we have done it under certain circumstances, usually governed entirely by the responsibility of the person and the conditions under which they are forced to live during that time.

Mr. BUSIEK. What do you mean by responsibility? Do you mean how much care they exercised at the time of the accident?

Mr. SCOTT. Well, according to what their responsibilities are. I mean just that; whether they have family responsibilities, or responsibilities at home; and it is our intention to follow up every case of that kind and do what is absolutely just and right.

Mr. BUSIEK. Irrespective of any legal liability you may be under?

Mr. SCOTT. We have no legal troubles of any kind. I don't think we have ever been sued for a case of that character since the business was started.

Mr. BUSIEK. As a large employer of labor, what is your attitude toward workmen's compensation?

Mr. SCOTT. We work in New Jersey under the compensation law, and think it is a very fair thing, and we are heartily in accord with it, and if the same law could be passed in Pennsylvania we would be in favor of it.

Acting Chairman WEINSTOCK. You heard the questions, Mr. Scott, that I put to the gentleman who preceded you, Mr. Stead?

Mr. SCOTT. I did not hear them all distinctly, but in a general way, I guess.

Acting Chairman WEINSTOCK. Well, one of the questions was this: "If this commission were to invite your opinion as to whether or not it should recommend to the employers of America the entering into of trade agreements with organized labor, what would you have to suggest to the commission along those lines?"

Mr. SCOTT. Well, we in Philadelphia have seen very little of that thing worked out, and I do not think I would be competent to make a recommendation of that kind one way or the other. I think it would be an ideal condition if such a thing could be arrived at.

Acting Chairman WEINSTOCK. There appeared before this commission three different kinds of employers, one kind of employer who will deal only with their workers individually; another kind of employer who will deal with their workers collectively within their own plant; and a third class of employers who

enter into trade agreements with organized labor, recognizing and dealing with organized labor. To which of the three kind of employers do you belong?

Mr. SCOTT. Well, we say, of course, that we do business entirely with the individual, but human nature is so constituted that there are always leaders, and in doing it with our own organization, if we were to call into the office 50 girls there are usually about 4 girls who do the talking, and by whose judgment the thing is settled. So I suppose we do collective bargaining in that way.

Acting Chairman WEINSTOCK. Well, are the workers in your plant organized among themselves in any way?

Mr. SCOTT. That I don't know.

Acting Chairman WEINSTOCK. But whenever an issue arises you invite them on your own initiative?

Mr. SCOTT. We make every effort to settle the difficulties inside our own doors to the satisfaction of our workers under every possible condition.

Acting Chairman WEINSTOCK. You take cognizance of them, do you?

Mr. SCOTT. Absolutely.

Acting Chairman WEINSTOCK. Suppose there is a disagreement?

Mr. SCOTT. There has never been but one disagreement, and that was very disastrous for all of us.

Acting Chairman WEINSTOCK. Was that disagreement one as to wages?

Mr. SCOTT. It arose through our inability to sell certain lines of goods and get our money back because made in Philadelphia, and we made an offer to readjust the prices on a certain character of work and were not able to do so to the satisfaction of the operators, and the strike ensued, starting in a very small way and eventually reaching quite some proportion.

Acting Chairman WEINSTOCK. Continued how long?

Mr. SCOTT. About seven or eight weeks.

Acting Chairman WEINSTOCK. Your plant was entirely shut down?

Mr. SCOTT. No; none of our plant was entirely closed during that time, but we were operating under very serious disadvantages.

Acting Chairman WEINSTOCK. How was that matter finally adjusted?

Mr. SCOTT. It was arbitrated under the new Pennsylvania law.

Acting Chairman WEINSTOCK. Will you outline briefly just what that law is?

Mr. SCOTT. I am not familiar with the law technically, except that the department of labor and industry in Pennsylvania, I believe, are authorized to first endeavor to settle in an amicable way by conference any difficulty.

Acting Chairman WEINSTOCK. Yes.

Mr. SCOTT. And if that can not be done that way, they endeavor to get the parties in the trouble to arbitrate.

Acting Chairman WEINSTOCK. That is, they step in as mediators?

Mr. SCOTT. Yes; that is the first step, and if they are not successful they go further——

Acting Chairman WEINSTOCK (interrupting). Then, as conciliators?

Mr. SCOTT. I understand that it is not compulsory, but we are very glad to avail ourselves of anything that would straighten the thing out, because it was really more misunderstanding than anything else.

Acting Chairman WEINSTOCK. When did that trouble arise? How long since?

Mr. SCOTT. Some time in December of this last year.

Acting Chairman WEINSTOCK. This last year?

Mr. SCOTT. About the time we began to experience difficulty in getting business to run our plant.

Acting Chairman WEINSTOCK. How many manufacturers are there in your line in this territory?

Mr. SCOTT. I would say there was 200. Not all strictly competitive, but in the manufacture of seamless hosiery, in the district that might be called the Pennsylvania district.

Acting Chairman WEINSTOCK. Are they organized as employers?

Mr. SCOTT. No; not to my knowledge, and I have never attended a meeting.

Acting Chairman WEINSTOCK. Has any effort been made to have them organized?

Mr. SCOTT. We have the organization that Mr. Moore spoke of, the national organization, which has been more of a legislative proposition, and there has never anything about labor been brought up.

Acting Chairman WEINSTOCK. What do you do as a manufacturer if legislation is presented that in your judgment is inimicable to your interest?

Mr. SCOTT. I don't think there has been anything done in an organized way except to maintain a bureau in Washington for the collecting of statistics and the giving out of information.

Acting Chairman WEINSTOCK. And dealing wih national legislation?

Mr. SCOTT. Yes; particularly tariff legislation.

Acting Chairman WEINSTOCK. Now, do you do anything collectively to deal with such legislation?

Mr. SCOTT. Not that I know of.

Acting Chairman WEINSTOCK. Well, supposing at the next session of the legislature some measures should be introduced that would have a powerful backing, and that you and your fellow manufacturers thought would be likely to prove exceedingly harmful to your industry, what would you do?

Mr. SCOTT. Well, I don't think there is at this time any organized resistance to any such State legislation. I don't know what might be done if it should arise. I am not sufficiently acquainted with other people in the craft to speak for them.

Acting Chairman WEINSTOCK. Well, if your opinion should be invited, Mr. Scott, as to whether or not the employers in your industry should organize, how would you feel about it? Would you favor it, or would you oppose it?

Mr. SCOTT. Well, I think if an organization could be worked out which would deal fairly in every way, it certainly would be within our rights as fully as the laborers who organize, and I think it would be a good thing.

Acting Chairman WEINSTOCK. Were you present when the representative testified before the commission, telling of the conditions that prevailed in the glass blowers' industry and in the potters' industry?

Mr. SCOTT. No; unfortunately I was not here.

Acting Chairman WEINSTOCK. Well, the testimony that was elicited is to the effect that in these particular industries the employers are strongly organized, and the workers are strongly organized, recognizing each other, they deal with each other, and enter into trade agreements with each other, and according to the testimony of both sides it has worked out to their entire satisfaction, and that as a matter of choice they would not go back to the old unorganized conditions. Now, do you know of any good reason why the same conditions could not be made to work with equal success in your industry?

Mr. SCOTT. Well, I only know that that looks to be a long way off from where I sit. I would not make any recommendations on that. I think it would be, as I said before, an ideal condition if it could be brought about, but from where I am sitting I can not see it.

Acting Chairman WEINSTOCK. That is, you think it would be an ideal condition if it could be brought about?

Mr. SCOTT. Yes, sir.

Acting Chairman WEINSTOCK. Well, your ideas are, first, that it could not be brought about?

Mr. SCOTT. Yes.

Acting Chairman WEINSTOCK. Well, what is to hinder it being brought about?

Mr. SCOTT. Well, it is very easy for people to go into the hosiery business. The machine builders stand ready to make machines on two-year notes and the yarn merchant, when business is not good or just as it should be, takes an excessive chance, and that is perhaps the reason that we have in this country so many small struggling mills, and they are run by men who are making a desperate effort to be successful and whose ultimate success is very doubtful. And I don't think that it would be possible to organize the craft as it exists in a way that would give real stability to an organization.

Acting Chairman WEINSTOCK. Is that the only reason that occurs to you?

Mr. SCOTT. Yes, sir; as I said before, if it could be worked out, I think it would be a great thing, and that is the main reason why, it occurs to me at this time.

Acting Chairman WEINSTOCK. The fact that there are newer small irresponsible employers?

Mr. SCOTT. Yes, sir.

Acting Chairman WEINSTOCK. Well, supposing all of the large responsible employers could be brought together, then what?

Mr. SCOTT. Well, I have every confidence in their square dealing, and I think it possible something might be worked out if we could eliminate the small shop who really manufactures a large percentage of the total output.

Acting Chairman WEINSTOCK. Well, isn't it true, Mr. Scott, that that condition is not confined to your industry, that in every industry you will find fairly large employers who are responsible, and who come in together, and they also have a goodly percentage of small operators who are irresponsible?

Mr. SCOTT. I would think it would depend largely on the business. The equipment, the smallest—the equipment of some lines of business necessitates a great deal more money than the equipment of a small stocking mill, and we can not dodge the idea that credit is the basis of a lot of things, and in some lines of industry it would not be possible for what we might term an irresponsible man to get into the industry.

Acting Chairman WEINSTOCK. I gather, then, from the answers you have given to these questions, that you would look upon the trade-agreement situation as the ideal situation?

Mr. SCOTT. If we could be brought to have confidence in it, it would be an ideal thing; yes.

Acting Chairman WEINSTOCK. That is all for you. Thank you, very much.

The hearing stands adjourned until to-morrow morning at 10 o'clock.

(Whereupon, at 4.40 p. m., an adjournment was taken until Tuesday, June 30, 1914, at 10 a. m.)

PHILADELPHIA, *June 30, 1914—10 a. m.*

Present: Commissioners Weinstock (acting chairman), O'Connell, and Lennon. E. H. Busiek, special counsel.

Acting Chairman WEINSTOCK. The commission will be in order.

TESTIMONY OF MISS MAY YEARSLEY.

Miss MAY YEARSLEY. Mr. Chairman, may this paper be put in your records [presenting a paper]?

(The paper so presented was marked "Exhibit 1, Miss Yearsley," June 30, 1914.)

Mr. BUSIEK. We will take up the hearing on the garment industry.

The REPORTER. Is the hearing on the textile subject closed, Mr. Busiek?

Mr. BUSIEK. Yes.

EXHIBITS.

McDONNELL EXHIBIT.

DYERS' AND MERCERIZERS' UNION, NO. 1, OF PHILADELPHIA AND VICINITY, AFFILIATED WITH UNITED TEXTILE WORKERS OF AMERICA, STATE FEDERATION OF LABOR, CENTRAL LABOR UNION OF PHILADELPHIA, DISTRICT COUNCIL OF TEXTILE WORKERS, AMERICAN FEDERATION OF LABOR.

DYEING INDUSTRY OF PHILADELPHIA.

Wages.—Dyeing of skein yarns and warps. In all shops that are organized the minimum price laid down by our union is 25 cents per hour. This price is paid in 48 shops; very few men are paid over this rate. A conservative statement would be our union controls about 85 per cent of the skein and warp dyers. In nonunion shops the wages are $7 up to $12 per week. For instance, Wm. Ward & Co., cloth manufacturers, Twenty-second and Spring Garden Streets, pays $7 to $9. These men are not conversant with conditions and none can scarcely speak the English language. I, myself, worked in this firm about 13 years ago and was paid $12 per week for a working week of 60 hours. We have endeavored time and again to organize this place; when we got a few of the men as members they were minus their jobs in a short space of time. Nathan Folwell, cloth manufacturer, Third and Cambria, pays $11.50 on a 54-hour base; his dyers work 12 hours per day—from 6 to 6; they do not stop for dinner, as the machines do not stop. Our State law guarding women and children affords our men no protection. All employers where women are employed and using dyers are working on a 54-hour base. All others are still taking the advantage and working on a 60-hour base.

Machines versus handwork.—James Hulton, Ruth, above Lehigh Avenue, dyer of fine skein yarns for the manufacture of men's wear, is a practical machine dyer. He has 14 machines. Seven men attend to these machines. An ordinary day's work would be from 5,000 to 6,000 pounds of yarn. On a hand kettle a fair day's work for two men would be 600 pounds. So expert is Mr. Hulton he adopted a system of unloading the machines in a boiling condition, so as to save steam and time on the part of the men. Very seldom do his dyers make a full week.

T. A. Harris & Co., of Mascher and Thompson, operates 7 machines, their output for a day around 6,000 pounds. Eight men are working on these machines. Hardwick & Magee, manufacturers of carpets, operate 24 machines; their capacity is 300 pounds and 500 pounds machines. Stead & Miller, upholstery goods, two men on machines will dye 2,000 pounds per day, two men on hand kettles 900. Quernes & Maslam, jobbers on carpet yarns, have 8 machines for the dyeing of wool yarn. Three men operate them; they will turn out 4,000 pounds of dyed yarn per day. Six men on hand kettles will turn out 4,000; this is cheap dyeing but hard on the men. This is the general condition throughout our industry. Our employers have more than doubled their output with the aid of machines with their forces reduced 50 per cent. The dyer has scarcely time to wash for the street at the end of his day's work. Some places would dock you for 15 minutes.

Sanitation.—Too much can not be said about our dyeing plants; very few employers consider for a moment the comfort of their dyers. With the exception of about six none of them have ever attempted to place any natural contrivances for the driving out of the vaporous gases and dense steam which are ever present, making the life of the dyer miserable. Take a damp day, it is impossible to see 6 inches ahead of you. In summer the dyer is actually parboiled, never for a second does a cold blast fan his brow. Imagine rows of

kettles boiling with space for two men to pass, and that with an effort, with little or no ventilation, no fans, no hoods, and the sun registering 120 degrees; horrible to think of it. Our employers, with few exceptions, are all in the same boat, all riding and occupying a seat in the car of avarice, neglecting though knowing the crying need of better sanitation. In winter men have had their feet frostbitten at work in dyehouses. You could not tell a dyehouse in winter from a cold storage. Nothing strange for a dyer to throw boiling water on a batch of yarn to separate the sticks, and this action takes place in an inclosed building. Mr. Lightner, superintendent of the department of labor and industry of this State, informed me regarding sanitation in our dyehouses; they come in under the board of hygiene.

Labor troubles.—Our employers do not antagonize us as union men; in our formation in 1909 we had opposition, especially where our union was weak. Wages were low before we organized—the general rule from $9 to $12 for a working week of 60 hours. In three years we have succeeded in raising wages from 10 to 30 per cent. In the old days the employers loved to talk on merit, and so well was this thing carried out graded prices were paid in some of our dyehouses making a difference to some of $4 per week. Our union stopped that kind of merit. We do not force an employer to keep a man who is incompetent; pay him off and let him go. We have had five small strikes in five years. One at the Hughes Manufacturing Co., in Frankford; he refused to pay 25 cents per hour. The strike is still on nearly two years; he is paying the money to strike breakers. The Ontario Dyeing Co., Ontario and D Streets; we have a strike nearly two years, caused by a nonunion dyer or delinquent not paying his dues. The firm favored the delinquent. We picketed this shop for four months; the firm getting tired, haled us into court, and notwithstanding the testimony of the lieutenant, two sergeants, and policemen on the beat, who swore it was the quietest strike they ever witnessed, Judges Staake and Ralston handed down a decree enjoining 20 strikers and the president of the union from interfering in any way with the Ontario Dyeing Co. The Penn Worsted strike was caused through wages; it lasted eight months, the firm finally agreeing to pay our price. At present our trade is dull, especially in upholstery, but on the whole we find very little difference as far as steady employment goes. Some of our shops are busy, especially the fine trade.

Respectfully submitted.

ARTHUR MCDONNELL,
2515 Potter Street, Philadelphia,
President Dyers and Mercerizers, No. 1, of Philadelphia.

THE PANIC OF 1907.

I, Arthur McDonnell, was working in the Orinoka Upholstery Mills. Everything was booming, the looms were all running, our skein dyers busy, the gigs were turning out roll upon roll of dyed cloth. In 24 hours two-thirds of the looms stopped and we were left with about 8 men out of the 30 in the dyehouse. Talk about slack times. It was a cyclone; this was remarkable, and not a Democrat in sight. In all my experience of 30 years we have a depression about twice a year, due, in my opinion, to a restricted market, the home market full, no more goods needed; off goes the looms until they are depleted and need to be refurnished. We are constantly working in doubt, and our greatest bugaboo is rent day—how to stave him off.

[SEAL.] ARTHUR MCDONNELL.

PIECE DYEING AND FINISHING.

Wages for dyers, 20 cents per hour; very few exceed this rate. These workers are all machine hands; they work straight from starting time until night, with a short intermission for dinner. In busy seasons nothing new for these men to work 14 and 15 hours per day; there is no extra time allowed; all they receive is the hour rate. Firth & Foster, one of the largest piece dyeing plants, up to a year ago was 10 per cent below 20 cents per hour. It is an English firm; the hands are mostly men of that nationality; they stood without an organization until a few months ago. The firm is bitterly opposed to a labor union; they have a record for years of crushing out the least semblance

of an organization. I, working in the dyehouses since 1883 in Philadelphia, have never known or heard of a single employer of dyers to grant an advance to their hands gratuitously. I make one exception in the case of Nathan Folwell, he raised his dyers to checkmate our movement; we have time and again tried hard to organize his plant. The district council of textile workers have spent time and money, but all was of no avail. We did have a few dyers and finishers enrolled, but they soon were separated from their work. Sanitation is bad, as these piece kettles omit a great deal of steam, as many as 20 will be going on the one floor. In truth our lawmakers should take the matter of sanitation in their hands regarding all dyeing firms; there is plenty of food for thought. Slackness—well, when the Democrats are ruling its the tariff; they are always afraid. When the Republicans are in the spinners are so busy on others yarns they have not time to spin the kind I want, so there you are.

[SEAL.] ARTHUR MCDONNELL.

FERRIS EXHIBIT.

HOSIERY WORKERS LOCAL NO. 696,
Philadelphia, Pa., June 29, 1914.

Members of Industrial Commission:

We hereby submit a report of conditions of the hosiery workers in part.

Wages.—Before our organization was started in 1909 the hosiery boarders made about $2.25 to $2.75 per day, or $13.50 to $15 per week, but taking into consideration the time the worker lost in waiting for work to come from dyehouse and slackness in trade and sickness, as there is considerable in this trade on account of the constant movement of every part of the body and other conditions, making it a yearly wage of $11 on the average. Since the formation of our union we have increased the wages from $2 to $3 per week. So much for organized labor in this instance. During the depression of trade lately some of our members are only working two or three days per week, which brings their wages down to $6 or $9 per week. At the present time there is only three organized shops that are working full time. In these shops about 125 of our membership of 600 men are employed. In a large majority of the mills they pay every two weeks, and sometimes this is a great hardship on the workers, as, for instance, a worker will get a job and the firm that he gets with will keep a week's wages in hand, which is the case in many of the mills; therefore he will have to work three weeks before he gets any wage, and, as the worker on an average has never much money ahead, so very often he has to turn to some money lender, who charges him a very large interest. We feel that if the workers got paid every week that he could get along much better.

Sanitary conditions.—The stocking boarder has to work under very insanitary conditions in some of the mills. The occupation is a very tiresome one, and the heat is very much above what the heat is under ordinary occupations. The men work at what is known as a dry box, which has a temperature of 250 degrees on this box. There are six men working. After boarding a set of boards they put them in the box and in doing this the heat is rushing out in the face of the worker, together with the smoke and smell of the stockings, which is not very healthy. After they take this set of boards to their bench they have these hot boards in front of their face, so you can see that they are constantly in a great deal of heat. Taking into consideration all of these conditions you naturally would think that we would have the best place for air and ventilation that could be obtained in the mills. Now, this is just the contrary; they generally put the stocking boarder where they can not put any other employee. These conditions are very bad for the health of the men, especially in the winter, when the men ought to have plenty of ventilation without being in a draft. The men leave the mills at noon and night wet with perspiration, which we think could be avoided.

Relations between employer and employee.—We find that a large majority of the manufacturers are friendly with our organization. Such firms have very little trouble with strikes, walkouts, etc. On the other hand, there are some manufacturers that have taken a decided stand against our union; such firms have to employ, as a rule, inferior help, as any man that has any manhood and wants to be treated as men should be treated refuse to work under the system and conditions of said firms. With the exception of one instance, we have had no trouble in our trade for over one year. In spite of the lack of

work our members and their employers have adjusted every grievance satisfactorily to both parties concerned. We feel that a majority of employers are willing to treat with organized labor of the right sort.

Docking system.—This system has been abolished in every place where we are strongly organized. There has been a case just presented to us in the firm of Wm. F. Taubel (Inc.), who is the largest manufacturer of seamless hosiery in the United States. The knitters of this firm are being docked 3 cents for each stocking that is not made right and have to replace another good one for the bad one. In another mill of Taubel they are docked 5 cents and have to replace a good one. With a majority of these cases the fault is not with the girls making the stocking, but with bad needles, poor yarn, and bad machines, but the firm makes no allowance for any of the bad conditions. If these girls make any protest, there is nothing left for them to do but quit or get fired. We feel that if these workers were strongly organized such conditions would not exist.

Discrimination.—This is another bad condition that is being abolished where we are strongly organized. We believe that this has done more to keep the worker down than any other system that the employer has ever practiced. The firm of William F. Taubel has been practicing this in numerous cases. There was a strike at this firm last winter which was brought on by reducing the wages of the winders. This strike lasted six weeks and was settled under the arbitration laws of Pennsylvania. While this finding of the board of arbitration was very unsatisfactory to the strikers, we were big enough to accept it, which is more than can be said about the employer. After resuming work under the finding of the board the firm started to get rid of the union help wherever it was possible to do so. At the mill at Second and Columbia Avenue there were 10 rib-frame hands and fixers laid off. When the men went to find the reason the foreman told them that they were only going to finish up what work they had laying around and that they could do that with the help they had, but promised to hire these men when they started up busy. This happened last February. Instead of hiring the men they took boys and old men and put them on these machines, and the majority of the men that were laid off are walking the streets unable to find work. Emerald and Westmoreland Streets, mender discharged; windows nailed; coming in late, etc.

Business, past and future.—Brown Knit has added one floor to plant and have put or are putting in 60 new machines, each costing from $2,000 to $3,000 in last year and half. Harry C. Aberle built new at rumored price of $190,000; also large amount of new machines, costing from $2,000 to $3,000 each. William Brown, 24 new machines; Brownhill & Kramer, 160 new machines; John Blood & Co., 125 new machines. We believe that business will soon be good in a short time.

WILLIAM T. FERRIS,
President of Hosiery Workers' Local 696,
Philadelphia, Pa.

YEARSLEY EXHIBIT.

Is there any good reason why 26,000,000 citizens should continue to deprive their 15,000,000 or 20,000,000 fellow citizens of the power of participating in setting up your commission and directing such investigation? Yes or no. I think your commission answers no.

Will the commission then take into consideration an immediate recommendation to President Wilson and Congress to take the shortest constitutional way to construct the basis of justice and peace at the fountain of your honorable commission's authority?

As to open shop or closed shop, collective bargaining or individual bargaining, Government ownership or private ownership, workmen's compensation or other questions, I do not care to express an opinion at this time. How can we solve the problems of justice and peace without going to the highest point in the stream, without correcting injustice at the fountain of power? Probably no more excellent commissioners could be found in the land, but who can tell what would follow the votes of the excluded half of your fellow citizens in 38 States?

Votes for all adult citizens!

STEAD EXHIBIT.

[Folwell, Bro. & Co. (Inc.), Third and Cambria Streets, Philadelphia.]

Number of hands employed	900
Females	500
Males	400
Minors:	
Females	133
Males	72

List of wages.

1. Worsted carding:	
Second-hand	$13.00
Card minders	10.00, 7.00, 6.00
2. Combing:	
Second-hand	20.00
Washing-machine hands	13.00
Laborers	10.00
Comb and box minders	6.50
3. Drawing:	
Second-hand	17.00
Oilers and laborers	8.00
Roving hands and box minders	6.50
Helpers and learners	6.00 and 5.00
4. Spinning:	
Second-hand	17.00
Twisters	6.00
Spinners and spoolers	5.50
Doffers	5.00
5. Warping:	
Dressers and slasher hands	17.00 and 16.00
Helpers	10.00
Warpers	7.00
Assistants	5.00–6.50
6. Weaving: Loom fixers	20.00
7. Dry finishing:	
Second-hand	17.00
Paper pressers	12.00 and 14.00
Press and dryer hands	10.00
8. Wet finishing:	
Second-hand	15.00
Washer hands	10.50
9. Bleaching: Bleaching hands	10.50–12.00
10. Dyeing:	
Color man	12.50
Balance of hands	11.50
11. Crabbing:	
Can dryer hands	11.00 and 12.00
Crabbing hands	10.50
12. Making up:	
Perchers	12.00–16.00
Measurer	10.00
Paperers	7.00–10.00
Makers-up	7.00
13. Machinists:	
Vise and lathe hands	17.00
Laborers	10.00–12.00

THE WOMEN'S GARMENT INDUSTRY OF PHILADELPHIA

(For exhibits under this subject, see pages 3158 to 3171)

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COMMISSION ON INDUSTRIAL RELATIONS.

PHILADELPHIA, *June 30, 1914—10 a. m.*

Present: Commissioners Weinstock (acting chairman), O'Connell, and Lennon; also E. H. Busiek, special counsel.

Mr. BUSIEK. We will take up the hearing on the garment industry.

Acting Chairman WEINSTOCK. Proceed, Mr. Busiek.

Mr. BUSIEK. I will call Mr. Morris Bernstein.

TESTIMONY OF MR. MORRIS BERNSTEIN.

Mr. BUSIEK. Please give us your name in full.

Mr. BERNSTEIN. Morris Bernstein.

Mr. BUSIEK. What is your occupation?

Mr. BERNSTEIN. Manufacturer.

Mr. BUSIEK. Manufacturer of what?

Mr. BERNSTEIN. Ladies' cloaks and suits.

Mr. BUSIEK. And your place of business is here in Philadelphia?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Have you any plant outside of Philadelphia?

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. How long have you been a manufacturer of ladies' cloaks and suits?

Mr. BERNSTEIN. Going on 14 years.

Mr. BUSIEK. About how many people do you employ?

Mr. BERNSTEIN. Average?

Mr. BUSIEK. Yes; on an average—high and low?

Mr. BERNSTEIN. Well, I should judge about 90 maximum.

Mr. BUSIEK. How many minimum?

Mr. BERNSTEIN. That is very hard to say.

Mr. BUSIEK. That is, you employ that many in a shop. Have you a shop where this work is done?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Or do you send the work out? Now, in addition to those whom you employ in the shop do you let out any work by contract?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. How many people were employed on contract work?

Mr. BERNSTEIN. I should judge about 40, 50, or 60.

Mr. BUSIEK. Are you president of the Women's Garment Manufacturers' Association of Philadelphia?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. When was this organized, Mr. Bernstein?

Mr. BERNSTEIN. In 1907, I think—1906 or 1907.

Mr. BUSIEK. How many members did it have at its organization?

Mr. BERNSTEIN. That I can't tell you.

Mr. BUSIEK. About how many?

Mr. BERNSTEIN. I really don't know. I was not a member at that time.

Mr. BUSIEK. What time did you join the association?

Mr. BERNSTEIN. July of last year.

Mr. BUSIEK. Have you a copy of the constitution of your association?

Mr. BERNSTEIN. Not with me.

Mr. BUSIEK. Could you furnish the commission with a copy of the constitution and by-laws?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. How many members has this association now, Mr. Bernstein?

Mr. BERNSTEIN. Sixty-seven.

Mr. BUSIEK. How many manufacturers are there in Philadelphia in your line of work?

Mr. BERNSTEIN. I really couldn't say. I should judge about possibly a hundred.

Mr. BUSIEK. Possibly a hundred?

Mr. BERNSTEIN. Yes, sir. They grow up overnight sometimes.

Mr. BUSIEK. Have you any idea how many people are employed in the clothing trade in Philadelphia?

Mr. BERNSTEIN. I presume you mean the cloak trade, don't you?

Mr. BUSIEK. The cloak trade; yes, sir.

Mr. BERNSTEIN. I should judge about 5,000 or 4,000—say 4,500.

Mr. BUSIEK. Between 4,000 and 5,000?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Are the larger manufacturers affiliated with your association?

Mr. BERNSTEIN. Only the larger, you mean?

Mr. BUSIEK. No—what percentage of these employees have their employers represented in your association?

Mr. BERNSTEIN. I should judge about 75 per cent. I have no statistics on the matter, but I should judge——

Mr. BUSIEK (interrupting). That is your judgment and opinion?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Are the officers of your association salaried?

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. What initiation fee and dues are required in your association?

Mr. BERNSTEIN. Fifty dollars per year.

Mr. BUSIEK. And is there any special assessment in times of activity?

Mr. BERNSTEIN. What do you mean by activity, please?

Mr. BUSIEK. For instance, if a strike should be on and there should be some occasion for meetings of the association, if that fact is true?

Mr. BERNSTEIN. Well, there would be no need of assessments for meetings.

Mr. BUSIEK. For the purposes for which the meetings are called?

Mr. BERNSTEIN. Neither so; but might be for other reasons.

Mr. BUSIEK. What reasons might demand a special assessment?

Mr. BERNSTEIN. Well, to meet the exigencies like we passed through last fall, last summer, about a year ago to-day.

Mr. BUSIEK. Just give the commission some idea of what those exigencies were that would require the expenditure of money?

Mr. BERNSTEIN. Well, I don't know how deep to go into those matters. I don't know how long you gentlemen want to stay in Philadelphia.

Mr. BUSIEK. Start out, and when we get tired listening we will break in.

Mr. BERNSTEIN. Well, it was necessary for us, after we noted that we could not by any satisfactory arrangement come to arbitration—the other side, so to say, issued their red, flaming circular, which meant strike—and naturally there were expenses here to protect our working people, not as regards the manufacturers, but the working people; and in manner we needed extra funds.

Mr. BUSIEK. That is, you say to protect the working people?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Was that to protect them against physical violence?

Mr. BERNSTEIN. Absolutely; physical violence.

Mr. BUSIEK. That necessitated, then, I suppose, the hiring of guards?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Where did those guards come from, Mr. Bernstein?

Mr. BERNSTEIN. From the city.

Mr. BUSIEK. From the city?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Were they supplied by any so-called detective agency or bureau?

Mr. BERNSTEIN. Well, I was not the employer of those parties.

Mr. BUSIEK. Who was?

Mr. BERNSTEIN. I had my hands full, nominally, of administration purposes of the association, and Mr. Kelly, the gentleman whom you have down, will tell you more fully about that, I think.

Mr. BUSIEK. Very well. What has been the attitude of your association toward organization of the employees of members of the association?

Mr. BERNSTEIN. Is this one of your questions here? Are you reading the questions from the copy which I have?

Mr. BUSIEK. I am not, but if you prefer that I take these up categorically, I will do it.

Mr. BERNSTEIN. Not at all. What is the question?

Mr. BUSIEK. What is the attitude of your association toward the organization of the employees of your members?

Mr. BERNSTEIN. The organization of the employees of our members?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. We have none.

Mr. BUSIEK. You have no attitude, do you mean, or they have no organization, which?

Mr. BERNSTEIN. I presume they have an organization which they term the union, but we have no attitude against it or for it.

Mr. BUSIEK. Have you ever treated with this organization?

Mr. BERNSTEIN. Which, please?

Mr. BUSIEK. The union of the employees?

Mr. BERNSTEIN. If you may term it such; yes, sir.

Mr. BUSIEK. Did you get together in a conference with them for the purpose of attempting to arbitrate the difficulties?

Mr. BERNSTEIN. I can only answer your question as regards the last trouble.

Mr, BUSIEK. That is as far back as I care to go.

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. And your answer is yes?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Did you meet a committee appointed by the union which professed to represent the union at large?

Mr. BERNSTEIN. Well, they were a committee or self-designated, I can't say, but we met two. There were five of us, I believe; yes, five; met two of the representatives of the other side.

Mr. BUSIEK. Were formal demands made upon you for redress of the alleged grievance at that time?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Did you attempt to come to an understanding with those people?

Mr. BERNSTEIN. We did.

Mr. BUSIEK. I take it it was unsuccessful?

Mr. BERNSTEIN. It was.

Mr. BUSIEK. Did you concede to any demands which they made?

Mr. BERNSTEIN. We did.

Mr. BUSIEK. What demands?

Mr. BERNSTEIN. Do you want to particularize them?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. Well, if I can recollect them, I will be very glad to give them to you. As regards the hours, I think their demand was 50 hours, and we were willing to grant 52. And there was one particular condition which they wished to impress upon the manufacturers, that no work shall be given to the employees to be made at home. That was one of the conditions in their general conditions. No employer, no manufacturer ever compelled his hands to take work at home, to his home. That was entirely on his part. We did not object to that. The manufacturer shall recognize a shop foreman. We would not accede to that demand. The complete abolition of all contracting and subcontracting of the entire cloak and suit trade, both inside and outside the factory; that has been a modus operandi by which all cloak factories had been run, and we could not adjust our business conditions at that time to meet that demand. We told them further that might be acceded to later on.

Mr. BUSIEK. What is this? Just explain the working details of the contract system briefly.

Mr. BERNSTEIN. Well, it is not unlike conditions existing in any other industry in the manner that one contractor has working under him several hands, no particular number—some shops have probably 10, some probably have as high as 80 or 100—and the contractor would take the work out, and upon its return the contractor was paid, he in turn paying his hands. I believe that has been to a great degree done away with, not on account of these conditions, please, because if I might say that after conferring with these two so-called representatives of the other side and we could come to no agreement or arrangement of mediation or arbitration or conciliation, whatever term you wish to give it, we dropped these conditions absolutely and paid no more regard or respect to them.

Mr. BUSIEK. Well, the only concession that I remember your having made now is to cut the workday from 54 to 52 hours in the shop. Is there any other concession that you made?

Mr. BERNSTEIN. Well, we don't view it in the manner in which you put it, industry of Philadelphia is one of the highest paying industries in the United States of America. If you wish to go into statistics on that I think you will be convinced very quickly.

Mr. BUSIEK. Well, just give us those.

Mr. BERNSTEIN. I did not prepare myself with any particular statistics as regards payment, but our books, as also any member of our association books, are open for your worthy commission to go over.

Mr. BUSIEK. Well, on what do you base that statement, now, Mr. Bernstein; on the weekly wage of a person working full time?

Mr. BERNSTEIN. No; you can not take it that way, because a majority of the cloak and suit makers or workers are on piecework, and it is up to them as regards their ability and efficiency and the hours which they wish to work how much they may be able to earn.

Mr. BUSIEK. I see. Of course, a person by driving themselves——

Mr. BERNSTEIN. Not necessarily, sir. We have workers who have in at 9 o'clock, half past 8, and some at 10.

Mr. BUSIEK. And work how long?

Mr. BERNSTEIN. Well, the work is there for them.

Mr. BUSIEK. Well, how much could a man make working, say, a 10-hour day, what you would call an efficient worker?

Mr. BERNSTEIN. An efficient worker?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. About $70 a week—$75 a week.

Mr. BUSIEK. How much work would there be for that kind of a man? Could such a man find steady employment?

Mr. BERNSTEIN. No, sir; because the seasons in the cloak and suit business vary.

Mr. BUSIEK. It is a seasonable occupation?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. And about how great a part of the time is a man idle?

Mr. BERNSTEIN. Well, that depends entirely if the particular house that he is with makes summer goods. By that I mean there are a great many houses who do not make any summer goods whatsoever, and under those conditions he is idle in the summer months, or, rather, preceding the summer months, for probably about four or five weeks.

Mr. BUSIEK. If a man is not fortunate enough to make summer goods, that is the longest period?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Of lack of employment?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. How is the labor market in Philadelphia? Are there plenty of hands, or is there any shortage of them?

Mr. BERNSTEIN. Plenty of hands here.

Mr. BUSIEK. And doesn't that reflect itself in the wages paid the people?

Mr. BERNSTEIN. In what way, please?

Mr. BUSIEK. Well, where there are plenty of hands and the market is well stocked with labor and there is no organization and no understanding with the employers, doesn't that make for a condition whereby the employer can get labor cheaper than he otherwise could, because of the anxiety of some people to get work?

Mr. BERNSTEIN. I would not really say there was a superfluity of hands here. I think what the market of Philadelphia requires is about here. There are constantly hands coming from New York. I should not be surprised—in fact, I think I can make a true statement—that daily there are no less than 10 or 15 to 20 hands coming from New York here.

Mr. BUSIEK. Do you get any work from New York; that is, do you get any work from the New York manufacturers?

Mr. BERNSTEIN. No.

Mr. BUSIEK. Do you get any work that used to go to New York; that is, are you getting in on the New York market any?

Mr. BERNSTEIN. We would like to.

Mr. BUSIEK. Well, do you?

Mr. BERNSTEIN. I am sorry to say, no.

Mr. BUSIEK. What is the purpose of your organization?

Mr. BERNSTEIN. Well, I might tell you that in a few words which I have here [reading]:

"It is really for the mutual benefit of manufacturers. Now, when we say that a manufacturer can not manufacture without labor, that is nominally, putting that in the word of hands. We need labor or we could not produce, and our purpose solely and only is to promote the best conditions of manufacturers of women's garments, maintain harmonious relations with employees, and unite with them in the adoption of such measures as will improve the conditions of the business and settle differences between its members—that is, as regards the association members, should there be any, and to promote a more enlarged and friendly intercouse between them and promote the general welfare of all interested in it."

I think that will encompass all remarks necessary to the question.

Mr. BUSIEK. I notice you have a business there to—I can not state it in the terms that you have read, but to the effect that one of the purposes is to get together with the employees and make agreements with them. Does that mean with the employees as a body?

Mr. BERNSTEIN. The employees? Make agreements with them?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. What was that section you read there concerning employees?

Mr. BERNSTEIN. Harmonious relations with employees.

Mr. BUSIEK. Yes; to promote harmonious relations with employees?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Well, what do you mean by that?

Mr. BERNSTEIN. Well, we are friends of labor, and thereby there is no manufacturing shop can be conducted without harmony existing there, unless it is attempted to be interfered with by outside influences.

Mr. BUSIEK. Well, how have you ever gone about promoting harmony?

Mr. BERNSTEIN. How?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. Well, in so many ways that I really could hardly start.

Mr. BUSIEK. Some of them?

Mr. BERNSTEIN. Well, one of the best illustrations I can recall, during the trolley strike here, I forget how many years ago it was——

Mr. BUSIEK. (interrupting). In 1909, I believe.

Mr. BERNSTEIN. In 1909; yes. You heard a great deal of evidence here about it. There was to be a general strike called of all industries here in Philadelphia. It appears that some of the shops where they manufactured ladies' cloaks and suits felt in sympathy with those people, and through some of the hot-headed rabid ones at the top, they decided to go on a strike. Well, we attempted in every manner possible to show them where they were making a mistake. They had no grievance against us, none whatever. I remember distinctly that I went out in the shop for two days and attempted to show them how foolish they were. I even went so far as to convince them that if there were a cloak-and-suit strike that I promise them that not a single trolley car in Philadelphia would stop running for them. But they would not listen to it, and they went on strike. So we attempted thereby to show them where they were wrong. I might state it was a matter of mutual interest, as we were in our busy season, and they in the season when they could make money.

Mr. BUSIEK. Well, you gentlemen certainly find it advantageous to organize or you would not have an organization, I suppose that is true?

Mr. BERNSTEIN. Naturally.

Mr. BUSIEK. And you organized because you can better accomplish your business purposes with all working together and all working in the same way under certain rules and regulations and mutually imposed restrictions, is not that true?

Mr. BERNSTEIN. Mutually imposed restrictions?

Mr. BUSIEK. Yes.

Mr. BERNSTEIN. What do you mean by that?

Mr. BUSIEK. Such rules as you may adopt for the conduct of your members in your association.

Mr. BERNSTEIN. Oh, yes; that is right.

Mr. BUSIEK. Why do you think it would not be advantageous for the employees to form an association imposing the conditions and regulations upon themselves which would be binding, and form a body which could meet with

yours to the end that any contract made with your employees would be general with the employees throughout that trade? Or, in other words, if they unionized? What objection is there to such a state of affairs?

Mr. BERNSTEIN. We have absolutely no objection into forming themselves into any kind of an association they may choose; and, in fact, we would heartily accept such a condition if they had the competent people to control them. There could be nothing better in the United States than an association of that nature of the laboring class, if they had the proper people at the head of it.

Mr. BUSIEK. Then your only grievance is not with the organization idea, but it is with the people who control organizations, do I understand?

Mr. BERNSTEIN. I think in a majority of cases.

Mr. BUSIEK. Have you had any painful experiences with these organizations or the heads of the organizations?

Mr. BERNSTEIN. Well, what does your term "painful" infer, please?

Mr. BUSIEK. Well, any experience which would lead you to condemn all leaders as you have done.

Mr. BERNSTEIN. Oh, I have no condemnation for them; no; none whatever. You are asking me the question, sir, whether we had any objections and whether we did not think it would be feasible and better for the workingmen to combine. We have no objection.

Mr. BUSIEK. And your answer was you had no objection to their combining if they would have different kind of men at the heads of their organizations?

Mr. BERNSTEIN. If they had competent people.

Mr. BUSIEK. If they had competent people?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Well, have you any experience that convinces you that the heads of these organizations are incompetents? That is what I want to get at.

Mr. BERNSTEIN. Well, I don't want to be personal. I would not want to leave that impression. But at the time this strike was to be called last year, if those who had charge of it had been reasonable, all that trouble could have been averted without any question.

Mr. BUSIEK. In what were they unreasonable?

Mr. BERNSTEIN. Well, in endeavoring to make us comply with demands which were beyond all reason.

Mr. BUSIEK. For instance?

Mr. BERNSTEIN. Well, the main point was the appointing of a shop chairman. I don't know whether you know what that means, do you?

Mr. BUSIEK. I have an idea.

Mr. BERNSTEIN. It nominally means that you may be permitted to enter your establishment in the mornings, or any time, open your mail and sign your checks; and besides that, allow them to run your business. No sane manufacturer would permit that, I don't think.

Mr. BUSIEK. Well, it corresponds to the grievance committee of an ordinary union, don't it?

Mr. BERNSTEIN. I presume so.

Mr. BUSIEK. Do you know, or have you ever heard that there are many kinds of crafts in highly skilled trades where they do have grievance committees, and they do get along amicably with their employers? Or is there some particular reason why you think it would not work in the cloak and suit trade?

Mr. BERNSTEIN. I am not aware of it. I don't know anything about other industrial relations or conditions of any other businesses; so really, I could not answer that question.

Mr. BUSIEK. Are you familiar with the garment industry in New York and the agreements that the employers have with their employees in New York?

Mr. BERNSTEIN. I have heard.

Mr. BUSIEK. That agreement has such a committee, has it not?

Mr. BERNSTEIN. I believe so.

Mr. BUSIEK. Have you ever heard that that worked out badly?

Mr. BERNSTEIN. Absolutely.

Mr. BUSIEK. That is your report and experience?

Mr. BERNSTEIN. Not experience, sir.

Mr. BUSIEK. That is the report which you heard?

Mr. BERNSTEIN. Daily.

Mr. BUSIEK. There was considerable testimony before this commission in New York that the clothing industry, whereas it is still far from ideal in New York, has been greatly benefited, and the protocol which is now in effect be-

tween the employees and employers, I think we have testimony on both sides to that effect. Your information is to the contrary, do I understand?

Mr. BERNSTEIN. I have received very direct information; in fact, I might say to you that I hear of it weekly; I was almost going to say daily.

Mr. BUSIEK. Do they seem to have more trouble in New York now than they had prior to this protocol?

Mr. BERNSTEIN. Well, I could not answer that definitely, but I really think so. I think that the trade conditions over there are worse than they previously were. Personal experience over there, I have not had any.

Mr. BUSIEK. During this last strike, I believe, or my information is, that there were some gentleman came here from Washington—came up here from Washington, rather, and Commissioner Jackson, or another gentleman, from Albany, who tendered their services as mediators. Do you remember those gentlemen?

Mr. BERNSTEIN. I presume you mean Commissioner Jackson, of Pennsylvania, and Commissioner Stewart, of Washington?

Mr. BUSIEK. That is it, I guess.

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Did your association treat with these gentlemen?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. And what was the result of their efforts?

Mr. BERNSTEIN. Well, they were nominally futile.

Mr. BUSIEK. Can you give the reason for that?

Mr. BERNSTEIN. Yes; I can. After we had had a three days' conference with the two parties representing the labor side and could arrive at no satisfactory arrangements, on July 4, 1913, there was a red circular issued calling on every employee in all the garment factories, at 10 o'clock on the day, out on strike. We had endeavored up to that time to see whether we could not avert that which we knew was going to be a long and serious matter; but it appeared that they were either going to force this with an iron hand—these conditions—or declare the strike. And for the benefit of ourselves—or rather for the protection of ourselves, I should have said—we accepted the inevitable and allowed them to go on strike. But I might say this, that 90 per cent of the garment workers, which includes all departments—pressers, cutters, trimmers, finishers, basters—did not want to go on strike, sir.

Mr. BUSIEK. On what do you base your opinion?

Mr. BERNSTEIN. Well, I can tell you that daily after this strike had been called—and I have heard it repeatedly—that the assurance had been given by the leaders that after two weeks all the manufacturers would become submissive and come begging for their hands and the strike would be won for the hands; but such was not the case.

Mr. BUSIEK. You talked about a red circular. Was that red in sentence or in color?

Mr. BERNSTEIN. Both.

Mr. BUSIEK. Did you then drop the mediation plan of Messrs. Stewart——

Mr. BERNSTEIN (interrupting). Well, they did not come until much later.

Mr. BUSIEK. Why did their efforts come to naught?

Mr. BERNSTEIN. Because the proposition or the so-called arrangement which they wished to bring forward would have been useless.

Mr. BUSIEK. What arrangement did they propose?

Mr. BERNSTEIN. I really can not recall to-day. I heard so many of them I have forgotten.

Mr. BUSIEK. Useless from whose standpoint?

Mr. BERNSTEIN. I think both.

Mr. BUSIEK. Were the employees willing to abide by their action?

Mr. BERNSTEIN. The employees, after two or three weeks, were willing to abide by anything, sir. They would all have returned to work, excepting some of the rabid, hot-headed ones, had they been permitted to.

Mr. BUSIEK. What kept them from coming back if 90 per cent were willing?

Mr. BERNSTEIN. Well, I really don't know how to start to tell you that; that is too varied. They were threatened with violence, and not only threatened, but violence was also placed upon them. No employee was safe on the streets; in fact, not in his own home. To my knowledge there were 455 assaults here, 2 murders, and about 5 or 6 near murders, and it was not safe for a working man to be on the streets.

Mr. BUSIEK. How many convictions?

Mr. BERNSTEIN. To my knowledge, only one.

Mr. BUSIEK. To what do you attribute the fact that, with all these wholesale assaults, two murders, and five or six near murders, the peace officials in the town were able to secure but one conviction, or a minor number?

Mr. BERNSTEIN. Well, I might say one word—politics, possibly. I really couldn't say.

Mr. BUSIEK. Did you encounter determined opposition in the courts when attempt was made to prosecute any of those men?

Mr. BERNSTEIN. I can not answer that question because I was never present, although I think the evidence on the face of it shows conclusively that a conviction was impossible. I think the only one conviction resulted about two or three months ago—within two months, I think.

Mr. BUSIEK. Was that for a murder or for an assault?

Mr. BERNSTEIN. An atrocious assault. This particular circumstance comes to my mind now. It was the determination upon the part of the union that, when we would not accede to their demands, and as the spring season was advancing, they thought that the only way to get the manufacturers was to prevent them producing their spring styles, and to produce spring styles it was necessary to have designers, so they put their designs on the designers, and in this particular case it was a man by the name of Rice, who, I think, lived at Thirty-third and Cumberland, which is in the extreme northwest part of the main part of the town.

Some of these thugs and educated and graduated workers, who had risen to the prominence of becoming thugs, attacked him one morning about 7.30, and on the street where they attacked him they were just laying new Belgian blocks, and not content with dropping him down, they dropped a Belgian on his face, and Judge Sulzberger was the only one whom I might say has had the nerve to bring a conviction in all the courts of Philadelphia.

Mr. BUSIEK. What was the sentence in that case?

Mr. BERNSTEIN. I think that was three years.

Mr. BUSIEK. Were those sluggers whom you were talking about recruited from the ranks of the union or were they outside men?

Mr. BERNSTEIN. I presume originally those who had graduated and some of the others who had become graduated and got into the graduating class or joined them.

Mr. BUSIEK. Have your members refused to take back any of the union men who went out on that strike?

Mr. BERNSTEIN. Not to my knowledge.

Mr. BUSIEK. Has the strike ever been declared off?

Mr. BERNSTEIN. I think so; I am really not sure; well, yes; I might answer that in the affirmative. There was finally a vote held and the strike was declared off.

Mr. BUSIEK. How many shops did this strike affect?

Mr. BERNSTEIN. Well, that is a very hard thing to answer, because, outside of our association, I really don't know. I believe there were some who remained independent, and the others who signed up for the time being—I should judge within 100, but I really can not say absolutely.

Mr. BUSIEK. It was a general strike?

Mr. BERNSTEIN. There was a general strike proclaimed.

Mr. BUSIEK. Not only against the members of your association but against others?

Mr. BERNSTEIN. Allow me to tell you that our association, of which I was not a member at that time—they were not active. They were an association, but not in activity.

Mr. BUSIEK. Was any assistance gotten from out of town to assist the manufacturers?

Mr. BERNSTEIN. In producing their garments?

Mr. BUSIEK. In combating or carrying on or resisting this strike, rather?

Mr. BERNSTEIN. In what manner, for instance?

Mr. BUSIEK. Financial aid.

Mr. BERNSTEIN. None whatever.

Mr. BUSIEK. I think the press at the time charged that Cleveland manufacturers were assisting the manufacturers.

Mr. BERNSTEIN. None whatever, sir.

Mr. BUSIEK. Were they assisting in an advisory capacity?

Mr. BERNSTEIN. Not particularly; no, sir.

Mr. BUSIEK. Was there a Mr. Black here, representing the Cleveland manufacturers, who advised?

Mr. BERNSTEIN. I presume Mr. Black came to see me, as I have had the pleasure of his acquaintance for some years, and also other gentlemen here.

Mr. BUSIEK. Were those just social calls that happened or did the strike inspire them?

Mr. BERNSTEIN. Well, they were here——

Mr. BUSIEK. (interrupting). Is that what brought them here?

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. Did they address the employers assembled at meetings?

Mr. BERNSTEIN. Yes.

Mr. BUSIEK. Give their ideas and views as to how to combat the strike?

Mr. BERNSTEIN. Well, I can not really say that he did give advice.

Mr. BUSIEK. Did he give inspiration?

Mr. BERNSTEIN. To be candid with you, I don't think we needed those.

Mr. BUSIEK. Was there any pledge exacted from the members of the association or the employers not members of the association, any employer making a pledge with another that he would not recognize the union or would not give in to them?

Mr. BERNSTEIN. You mean outside of the association?

Mr. BUSIEK. Yes; was there any general understanding among the employers, or any of them, that they would not surrender to the union?

Mr. BERNSTEIN. You mean within the association or without?

Mr. BUSIEK. Within or without?

Mr. BERNSTEIN. Within, absolutely not; without, we know nothing about it.

Mr. BUSIEK. You were not a member of the association at that time?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. Oh, you were?

Mr. BERNSTEIN. Yes, sir; at that time; starting then.

Mr. BUSIEK. I see. Was any bond exacted of any of the members to insure their compliance with this resolution?

Mr. BERNSTEIN. Well, there was a bond, but not in the sense that you put it, sir.

Mr. BUSIEK. What was it?

Mr. BERNSTEIN. We required, as we knew, we thought we would, extra moneys, for the protection solely and only of our employees. We had no other expenses but those, and this bond was put up in case the necessity arose that we would require extra funds that we could rely upon those, and fall back upon them, but there were assessments levied, and naturally we did not make any use of those bonds.

Mr. BUSIEK. Was this bond merely for the purpose of securing assessments up to a certain amount, as they might be levied?

Mr. BERNSTEIN. No, sir.

Mr. BUSIEK. What were the conditions of the bonds upon which they were to be forfeited?

Mr. BERNSTEIN. Well, just as I stated to you: In case the necessity arose that we would require more funds than what we had, those bonds to be called upon.

Mr. BUSIEK. Then they were merely pledges to contribute?

Mr. BERNSTEIN. Yes, sir; those bonds were all returned.

Mr. BUSIEK. They were not bonds in the sense that a certain amount of money was put up to be forfeited upon a certain contingency?

Mr. BERNSTEIN. They were not bonds; they were notes.

Mr. BUSIEK. Notes?

Mr. BERNSTEIN. Yes, sir.

Mr. BUSIEK. What is the attitude of your association now in regard to dealing with an organization of your employees? I believe you said before that you had no objection to their organization; you might consider dealing with them if they had other leadership.

Mr. BERNSTEIN. No, sir. I don't want you to interpret my remarks in that manner, sir. We have always dealt with our employees in a very fair and honorable way, and I am of the opinion that every other manufacturer here in the garment industry has done so. I can not say positively, as I am not always present. But if the employees have any grievances, I don't think there is a single concern here in the city of Philadelphia that would not be only too glad to listen to them.

Mr. BUSIEK. Well, can you conceive of a case where those employers might not be as honorable as you think they are, and the employees have a real, bona fide grievance; what would be their remedy then?

Mr. BERNSTEIN. If such were to arise—are you speaking of the people in our association, or generally, of all Philadelphia manufacturers?

Mr. BUSIEK. Well, take one in the association first.

Mr. BERNSTEIN. I don't ever expect such an occasion to arise with any member in the association, sir; because it has been—even during the time of the trouble, we held meetings daily; in fact, I might tell you that the executive board were in meeting all the time nominally; probably six or eight hours daily, and if such complaints were to arise, they would certainly come to the boards here and quick action would be taken. But each member of the association, I know, feels that they are there for the purpose of seeing that justice is given to all their employees.

Mr. BUSIEK. Well, your idea, then, is that the employees' interests can be properly conserved, because of the honorable and magnanimous attitude of the members of the association? They can be trusted to look out for the welfare of their employees, and it is unnecessary for the employees to organize and take any steps on their side; is that the idea?

Mr. BERNSTEIN. Well, you might regard this as too personal an answer for me, but I can really say yes.

Mr. BUSIEK. I believe that is all.

Commissioner O'CONNELL. Mr. Bernstein, the questions I shall ask you will either refer to your own shop or to your association, so that you will have no hesitancy in answering.

Mr. BERNSTEIN. Yes, sir; I am only too glad to help your commission in any way I can.

Commissioner O'CONNELL. Approximately, how many people are employed by the members of your association?

Mr. BERNSTEIN. I should judge about 70 to 75 per cent.

Commissioner O'CONNELL. What number of people is that, approximately?

Mr. BERNSTEIN. About 3,700, 3,800, 3,900. I judge there are probably 5,000 workers here.

Commissioner O'CONNELL. Have you any idea what the average earnings per week of your employees are?

Mr. BERNSTEIN. Our individual employees you mean, or the association employees also?

Commissioner O'CONNELL. Yours.

Mr. BERNSTEIN. No, sir; I have not.

Commissioner O'CONNELL. How are the piece prices set by you?

Mr. BERNSTEIN. By my partner.

Commissioner O'CONNELL. He sets the prices?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. In consultation with anybody?

Mr. BERNSTEIN. Possibly with me, as a rule, and his son, who is in charge of one part of the factory.

Commissioner O'CONNELL. But not in consultation with the workmen or working people in the shop?

Mr. BERNSTEIN. No, sir.

Commissioner O'CONNELL. The price, therefore, is arbitrarily set by your firm?

Mr. BERNSTEIN. No, sir; it is very agreeably accepted.

Commissioner O'CONNELL. As I understand, either yourself or your son or your partner, or some one of the firm in charge, sets the price?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. Your workman, of course, is supposed to accept that price; he may do it mutually or agreeably, but he accepts the price set by some one in your firm?

Mr. BERNSTEIN. Yes, sir. I want to state that that price which has always been set has been satisfactory; and in a few instances when it has not the matter has been spoken over, and there would possibly be on some garments an advance given and on some not.

Commissioner O'CONNELL. But, however, as a finality, the price designated by your company is the price paid?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. The workman must accept that?

Mr. BERNSTEIN. Unless an advance is agreed upon.

Commissioner O'CONNELL. Who would it be agreed upon with, then, the workman?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. If he said to you, "I don't think that is a fair price," the question then would be argued out?

Mr. BERNSTEIN. It never required very much arguing. If we saw that he was entitled to it, we certainly gave it to him.

Commissioner O'CONNELL. But you, then, would be the finality in the proposition, dicker it out, and if you agreed, or you would say that is what we will pay?

Mr. BERNSTEIN. Or "we will pay you what you ask."

Commissioner O'CONNELL. What is the average working time of your plant per year? Would the employees average eight months' employment in a year?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. That would be about; that is what they told us in New York.

Mr. BERNSTEIN. I should judge 8 to 8½ months; possibly 9. There was a time when we made summer goods, as I told this gentleman, when they were employed very near onto 11 months.

Commissioner O'CONNELL. Do you employ women or girls?

Mr. BERNSTEIN. Some few.

Commissioner O'CONNELL. Do they perform the same class of work as the males?

Mr. BERNSTEIN. No, sir.

Commissioner O'CONNELL. How do their wages run?

Mr. BERNSTEIN. Well, they are pieceworkers, excepting, in some instances, what we call button sewers. A pieceworker is able to earn, in a season, from $18 to $30 a week.

Commissioner O'CONNELL. Pieceworkers?

Mr. BERNSTEIN. Yes.

Commissioner O'CONNELL. Are there women in your plant that earn $30 a week?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. In season?

Mr. BERNSTEIN. Yes, sir; our books are open for your inspection, if you would like to see them.

Commissioner O'CONNELL. How many women do you employ?

Mr. BERNSTEIN. Not many; I should judge 15 would cover it in season.

Commissioner O'CONNELL. How many of those in season would earn $30 a week?

Mr. BERNSTEIN. Probably about three or four.

Commissioner O'CONNELL. What would the rest average? How low would they get?

Mr. BERNSTEIN. Well, if a finisher can not earn in season, when we are busy, fifteen, sixteen, eighteen, or twenty dollars she is no kind of a finisher.

Commissioner O'CONNELL. How young girls do you employ?

Mr. BERNSTEIN. None under the statute law.

Commissioner O'CONNELL. Fourteen?

Mr. BERNSTEIN. None as young as that.

Commissioner O'CONNELL. Sixteen?

Mr. BERNSTEIN. No; I should judge—I don't think we have got anybody under about 20; I should not judge so.

Commissioner O'CONNELL. What do they do?

Mr. BERNSTEIN. Some of them, some of the very young ones, are proficient finishers.

Commissioner O'CONNELL. About this home work, is the general plan in Philadelphia that work is gotten out—given out to be done in the homes by the members of your association?

Mr. BERNSTEIN. No, sir.

Commissioner O'CONNELL. What percentage of them do give out home work?

Mr. BERNSTEIN. I doubt very much if there are any to-day.

Commissioner O'CONNELL. Didn't I understand that you gave out home work, from your testimony this morning?

Mr. BERNSTEIN. No, sir. I was reading here one of the conditions that the union presented. Article No. 3 read that: "No work shall be given to the employees to be made at home."

There had been times previously when they came and nominally begged to take work home, to their homes. Well, we did not resist that at all. We were perfectly satisfied if they chose to work at home. I presume they did that on Sundays, or sometimes like that. A great many, well, I should say a small proportion of the Jewish tailors, finishers, etc., did work—did not work on Saturdays, and therefore they would take work home on Friday evenings, which they would do at home, I presume, on Sundays; but no manufacturer in this city ever compelled a hand to take work home. It was entirely upon their wishes to take work home to try to earn more.

Commissioner O'CONNELL. Do they take work home now?

Mr. BERNSTEIN. Not to my knowledge.

Commissioner O'CONNELL. Is work done in the homes in Philadelphia?

Mr. BERNSTEIN. I beg your pardon.

Commissioner O'CONNELL. Is work done in the homes in Philadelphia?

Mr. BERNSTEIN. Not to my knowledge.

Commissioner O'CONNELL. Then it has been practically abolished, the home-work system?

Mr. BERNSTEIN. Well, I can not say that absolutely, but I don't think there is any member of our association who gives home work for any of their hands to take the work home, but I presume if a hand were to ask for it, and say, "I expect to work home to-morrow," "I would like to have a few garments to make or finish," they might be given them, but entirely due only upon the asking by the employee. There is no compulsion on the part of the manufacturer for men to take work home.

I might supplement that remark. I remember distinctly in our factory about three years ago that if we did not have work for them to take home they were very much dissatisfied.

Commissioner O'CONNELL. Do you do subcontracting, letting work out by contract that is done in some other shop or some other place?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. In busy seasons?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. What percentage or proportion of your work is subcontracted?

Mr. BERNSTEIN. Oh, very small.

Commissioner O'CONNELL. Does the subcontractor have a shop?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. Do you know whether he has any home work done or whether he lets his work out again by subcontracting?

Mr. BERNSTEIN. No; I presume—I think really that the subcontractors live in their shops, or nominally have their shops with their dwellings.

Commissioner O'CONNELL. In their homes?

Mr. BERNSTEIN. Yes, sir.

Commissioner O'CONNELL. Are there any State investigations of the sanitary conditions prevailing in shops in Philadelphia?

Mr. BERNSTEIN. Yes.

Commissioner O'CONNELL. Inspectors who visit them regularly?

Mr. BERNSTEIN. Yes, sir; several of them.

Commissioner O'CONNELL. When last was your shop visited by a State official?

Mr. BERNSTEIN. I really couldn't tell you, sir. I am not always there.

Commissioner O'CONNELL. Do you make any sort of report to State officials as to conditions prevailing in the shop, which is made under requirements of law, as, for instance, fire escapes and elevator conditions and the methods of entrance into and egress from shops and everything of that kind?

Mr. BERNSTEIN. I don't think the latter part, no, sir; because we are in a very large building, and I presume as far as the fire escapes and the elevators are concerned, that is taken care of by the owner.

Acting Chairman WEINSTOCK. Mr. Lennon.

Commissioner LENNON. Mr. Bernstein, what do you pay your cutters?

Mr. BERNSTEIN. Cutters?

Commissioner LENNON. Yes.

Mr. BERNSTEIN. About $18 or $20. We have one cutter that we pay $27.50.

Commissioner LENNON. Yes; but I speak of a man who is considered a cutter, but perhaps not your foreman cutter. I mean the regular cutters?

Mr. BERNSTEIN. About $20.

Commissioner LENNON. Do you know about how that compares with the wages paid in the city of New York?

Mr. BERNSTEIN. I do not.

Commissioner LENNON. What hours do these cutters work?

Mr. BERNSTEIN. From 7.30 until 6, and until a quarter of one on Saturday.

Commissioner LENNON. Do you know the hours that they work in the city of New York?

Mr. BERNSTEIN. No, sir.

Commissioner LENNON. In New York it was testified regarding the matter of finishers—in fact, it was testified upon repeated occasions that the work of finishing was largely done in the homes for the reason that women could not be had in the shops to do this class of work. That, I understand from your testimony, is not now true, even if it has been in the past, in Philadelphia. You can now get shop finishers?

Mr. BERNSTEIN. Oh, we always could get them. The garments which I spoke about to those gentlemen were being taken at the time not for the purpose of finishing but being operated and the finisher in fact brought in the completed garment after taking the garment out in cut condition.

Commissioner LENNON. And do the finishers do that work by the week or by the piece?

Mr. BERNSTEIN. They work by the piece with us.

Commissioner LENNON. What can the finishers—but I believe you have testified what the finishers can make. Now, do the contractors pay their help the same as you pay in your shop?

Mr. BERNSTEIN. I could not say.

Commissioner LENNON. You do not know as to that?

Mr. BERNSTEIN. No, sir.

Commissioner LENNON. We had repeated testimony from a great many manufacturers in the city of New York and from outsiders who had interested themselves in the business and from members of the union, that the protocol had been highly advantageous in that city. Have you ever made any investigation of the working of that agreement up there?

Mr. BERNSTEIN. Well, the facts of the case have come to me without making any investigation, that they are extremely unsatisfactory.

Commissioner LENNON. Well, such men as Dr. Edelson, who represented the manufacturers a good part of the time, and some of the manufacturers—it is not proper to mention their names; at least I feel it would be a little out of the way—testified that the protocol had worked to the decided advantage of the trade in that it had completely or nearly completely done away with shop strikes, and that they considered a very great advantage to the trade.

Mr. BERNSTEIN. Well, I don't think you will find that to be the case, sir. I don't want to contradict anybody's testimony, but my partners are at present in New York and also many of my friends, and there are strikes called daily in the New York shops.

Commissioner O'CONNELL. Well, they are soon settled. The people soon have to go back to work or get out of the union, and do go back to work in most cases. Do you find or do you believe that the make-up of the cloak and skirt makers is materially different in this city from what it is in the city of New York?

Mr. BERNSTEIN. Yes, sir.

Commissioner LENNON. You think it is different?

Mr. BERNSTEIN. Yes.

Commissioner LENNON. Is it different because of racial differences or because of different philosophies and theories that——

Mr. BERSTEIN (interrupting). There are no racial differences between the parties here and in New York, but I think those who are here regard their occupation here in more of a homelike manner, whereas there is rabble in New York. They land there as soon as they come over; they land there and they bring a great many foreign tendencies. They are inherent after they get there and, in fact, they grow in them.

Commissioner LENNON. Well, that would seemingly tend toward the greater difficulty in doing business with an organization there than it would here?

Mr. BERNSTEIN. Yes.

Commissioner LENNON. Are you doing business with the unions now?

Mr. BERNSTEIN. Are we?

Commissioner LENNON. Yes.

Mr. BERSTEIN. Here?

Commissioner LENNON. Yes.

Mr. BERNSTEIN. No, sir.

Commissioner LENNON. In no way at all? Don't meet their committees or transact any business with them?

Mr. BERNSTEIN. No, sir.

Commissioner LENNON. Do you know whether your shop is an organized shop or not?

Mr. BERNSTEIN. I really could not say.

Commissioner LENNON. You don't interfere with it?

Mr. BERNSTEIN. None whatever; none whatever.

Commissioner LENNON. I think that is all, Mr. Weinstock.

Acting Chairman WEINSTOCK. This commission, Mr. Bernstein, does not hope to be able to do anything along the lines of wiping out all disputes——

Mr. BERNSTEIN (interrupting). No, sir.

Acting Chairman WEINSTOCK (continuing). Between workers and employers. It does hope, however, to be able to accomplish something along the lines of establishing a higher degree of industrial peace between workers and employers. The commission realizes that so long as there are changing conditions, conditions will always arise where there will be disputes. The purpose, however, is to be able to create some sort of machinery whereby these disputes can be settled by appealing to reason and in a peaceful manner rather than by resorting to cessation of work and to possible violence.

Now, while the members of this commission have had experience in various undertakings and in their various spheres of life, I do not think any of us have had sufficient experience—I do not think we have had sufficient experience collectively as publicists, employers, or workers—to be able to work out a satisfactory scheme, and our purpose in holding these public hearings is to profit by the judgment and the wisdom and the experience of employers and of workers, so as to enable us to reach intelligent conclusions that will stand the test of analysis.

Our purpose, therefore, in inviting you to come before us, Mr. Bernstein, is not in the spirit of criticism, but, as a good citizen, to ask you to help us to find the way. With your knowledge and commercial training and your contact with fellow employers and fellow workers, you certainly have had experience that no member of this association, perhaps, has had, and, therefore, we feel that you can be of service to us if you will give us the benefit of your experience and your judgment. I say all this in a preparatory way so that you will understand the purpose and spirit of my question.

Now, I gathered from——

Mr. BERNSTEIN (interrupting). Would you permit me to answer you just a minute, sir, before you ask a question?

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. I was present here at several of your hearings when Mr. Wanamaker and Mr. Blankenburg and Alba Johnson and the other gentlemen were present here, and it became very evident to me that your commission is simply here for the purpose of trying to do good. Now, if you would like me to answer you in a very short manner regarding what you stated to me, I can say the following: That the cloak and suit industry of Philadelphia was in a very healthy situation irrespective of what any conditions might have been shown from the other side. Now, I will make my statement a little more fully in this matter. It makes no difference what conditions of affairs, whether it is an industry or something to which I can not give an intelligible term, there is always something wrong somewheres to some little account. The Women's Garment Manufacturers' Association of Philadelphia is for one purpose only. It is for its own good. Now, that may appear selfish on the face of it, but its own good is the good of its employees, because if its employees are not working harmoniously there is no good can result to us in our production. And I might use a slang phrase, that everything was running along here beautifully and swimmingly, with possibly a small exception in one shop, which no one will ever be able to help unless we can single it out. We have people in our employ, some of them owning two or three houses free of debt, no incumbrances. I can call them over here as witnesses, if you would like to hear them. They send their children to the high schools, they give their children musical educations; in fact, I think some of them are attending colleges. Now, the entire class with those few exceptions, which I can not recount because I don't know them, were absolutely satisfied in every degree.

Then, in steps this so-called organization, disrupts those conditions here, I can only speak of the conditions in our class of manufacture. Regarding your other inquiries, I know nothing. If our people had been let alone, work-

ing under the conditions under which they were working, they would have been perfectly satisfied, because I can say this to you, in all frankness, that while the union had promised all the so-called striking employees they had to be striking employees or get their heads smashed and their eyes hammered in or something or other, or their wives insulted—their wives were afraid to go to the corner store to buy their milk and food, and the children were afraid to go to school on account of the thugs which were employed, with whom I don't know, and I don't care, but I am simply stating to you the condition in the cloak and suit industry before the peaceable workingmen were interfered with.

Now, if people making the money that the people in the cloak and suit industry were making were let alone, organization or no organization here was not necessary. It depends entirely upon the efficiency of the man as to the amount of money he is able to make. I don't know what business you are in, but you know that is so, and that even if you are not in business; so, as regards the coming in of an organization or union, I assure you that no manufacturer in the city of Philadelphia objects to it, but we object to it in the manner only that they won't have their business run by them; and the employees are making a good living wage and more than that.

Acting Chairman WEINSTOCK. I gather, then, from what you say, Mr. Bernstein, that immediately prior to your last industrial trouble from your point of view the workers had no grievances and that the conditions were ideal?

Mr. BERNSTEIN. I should judge so; yes, sir.

Acting Chairman WEINSTOCK. And that the grievances were artificial and manufactured grievances; do I understand you correctly?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. How?

Mr. BERNSTEIN. Although there might be a single instance or two that I can not cover at all. I told you that at first.

Acting Chairman WEINSTOCK. Well, generally speaking?

Mr. BERNSTEIN. Generally speaking.

Acting Chairman WEINSTOCK. And that therefore this trouble was precipitated without real cause?

Mr. BERNSTEIN. Well, there was an expression current here at that time that we were due, that means the cloak and suit manufacturers of Philadelphia were due to have a strike.

Acting Chairman WEINSTOCK. You mean that it was your turn?

Mr. BERNSTEIN. We were due. We were due previously in 1904, our firm. We had a strike which lasted exactly one day, and the strike was over and after one day.

Acting Chairman WEINSTOCK. I understood you further in answering the questions of my fellow commissioners in your opinion the workers in your industry in Philadelphia were paid the highest wages in America?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Well, of course, you know, Mr. Bernstein, in common with myself, that there is quite a distinction between wages and earnings, and I might get a wage of $50 a day and only have about $200 a year; that the real thing is the annual earnings?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Now, granted that the wages of the Philadelphia operators are the highest in America, what are their annual earnings?

Mr. BERNSTEIN. Pardon me if I say——

Acting Chairman WEINSTOCK (interrupting). Take the man that could earn $75 a week, which seems very liberal earning power, what are his annual earnings?

Mr. BERNSTEIN. Well, I believe that I have never taken this off with any purpose of statistics, but I am confident I could go over our books and show where some of our best efficient tailors have got as high as $2,500 in a year. I think I am placing that low.

Acting Chairman WEINSTOCK. How many months in a year is work available and how many months of idleness do the workers average a year?

Mr. BERNSTEIN. Well, I think since we have gone out of the summer-season business, producing any garments in a summer like now, or previously to now, rather, of summer wear exclusively, I presume about eight and one-half months.

Acting Chairman WEINSTOCK. There is three and a half months of idleness?

Mr. BERNSTEIN. Yes, sir—which was not the case with us previously.

Acting Chairman WEINSTOCK. So that the average number of weeks would be about 34 a year?

Mr. BERNSTEIN. Thirty-four or thirty-five.

Acting Chairman WEINSTOCK. Now, what would be a fair average, taking your own organization as a basis, to figure on, and you say you employ about 90 people?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. During the season what would be your weekly pay roll—your gross weekly pay roll?

Mr. BERNSTEIN. Well, allow me to tell you that these tailors are entirely pieceworkers.

Acting Chairman WEINSTOCK. Yes, but what would be your weekly pay roll, about, your 90 workers?

Mr. BERNSTEIN. Why, I really could not tell you offhand, sir.

Acting Chairman WEINSTOCK. Could you approximate it?

Mr. BERNSTEIN. The reason I answer your question in that manner is because we have two pay rolls, one on Wednesday and one on Saturday, and included in the Saturday pay rolls are some of the contractors.

Acting Chairman WEINSTOCK. Yes, sir.

Mr. BERNSTEIN. So I can not do it.

Acting Chairman WEINSTOCK. Well, undoubtedly as the result of this trouble you recently had you must have had occasion to look into your figures, and what did you find to be the average weekly earnings during the season, of your average workers?

Mr. BERNSTEIN. I have never taken it, sir.

Acting Chairman WEINSTOCK. You never have?

Mr. BERNSTEIN. No, sir; but you are at liberty to have it on our books.

Acting Chairman WEINSTOCK. Well, see if we can't approximate it anyway. Do they run more than on an average of $10 a week?

Mr. BERNSTEIN. Oh, yes.

Acting Chairman WEINSTOCK. Do they earn $15 a week?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Do they run $20 a week on an average?

Mr. BERNSTEIN. Do you include the people in my shipping room and the office help?

Acting Chairman WEINSTOCK. No, just your operators or producers.

Mr. BERNSTEIN. Well, I can not answer you positively, but I should judge over that, yes, sir.

Acting Chairman WEINSTOCK. Over what?

Mr. BERNSTEIN. Over $20—you mentioned, didn't you?

Acting Chairman WEINSTOCK. Yes; well, would it be $25 a week?

Mr. BERNSTEIN. I would not like to really commit myself, because I have never gone over the figures, but I will be pleased to take it off for you.

Acting Chairman WEINSTOCK. You ought to be a pretty good guesser, with your long experience?

Mr. BERNSTEIN. I have never taken it off closely.

Acting Chairman WEINSTOCK. Well, can you have it taken off?

Mr. BERNSTEIN. Yes, sir, surely; with pleasure.

Acting Chairman WEINSTOCK. Will you be good enough to furnish us with a copy?

Mr. BERNSTEIN. Yes, sir, with pleasure.

Acting Chairman WEINSTOCK. Thank you very much.

Mr. BERNSTEIN. You mean for what term, please; three months or six months or a year?

Acting Chairman WEINSTOCK. I think if you took a year it would be of more interest to us.

Mr. BERNSTEIN. Well, that would have to go back to 1912, because we did not virtually work of any consequence in 1913.

Acting Chairman WEINSTOCK. Very well, if you will give us that.

Mr. BERNSTEIN. Very glad to give it to you.

Acting Chairman WEINSTOCK. Then, could you do the same thing for 1914 for the purposes of comparison between 1912 and 1914?

Mr. BERNSTEIN. Well, I might say this to you in regard to 1914: The spring season of the cloak and suit business is the smallest season, the fall season being the main season, and the employment of more hands, and, in fact, at that time people in the fall season, of the styles get settled, if you gentlemen tell us about the styles, we will have it all pat.

Commissioner LENNON. We will tell you about the styles.

Acting Chairman WEINSTOCK. Mr. Lennon, that is his strong point, telling us about styles. You might do this, then, for the purpose of comparison: Give us the earning power, dividing up 1912 into two distinct seasons, the spring and fall seasons.

Mr. BERNSTEIN. Yes; with pleasure.

Acting Chairman WEINSTOCK. Then give us the average for the spring of 1912 and the average for the spring of 1914.

Mr. BERNSTEIN. In the spring of 1914?

Acting Chairman WEINSTOCK. Yes, sir.

Mr. BERNSTEIN. Business was not as good this spring, so it won't be as large.

Acting Chairman WEINSTOCK. Now, your statement, as I recall, is that prior to the strike, from your point of view, the employees had no grievance on the wage question, they had no real grievance on the question of working hours, they had no real grievance on the question of working conditions?

Mr. BERNSTEIN. Do you want me to answer that?

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. As regards to working hours, as regards to the wages, or earnings, rather, they had absolutely none. I can speak now of the members of our association. The outside shops I know nothing about, because I was in daily conference with all these people, and I heard their reports right along. As regards working hours, if we would not finally close our shop they would never go home. Some of them would bring their herring and bread down there and stay there.

Acting Chairman WEINSTOCK. You mean that they were so ambitious to earn money they would exploit themselves physically?

Mr. BERNSTEIN. Yes, sir; in a great many instances. Now, for instance, at times we would work on, if I remember rightly, Mondays, Tuesdays, and Thursdays, not compulsory, but any man who wants to sit at his machine is welcome there. Those were all pieceworkers. They do not report at 7 or 7.30 o'clock. They come to their machines when they choose.

Acting Chairman WEINSTOCK. You haven't any discipline as to the hours a man can come and go in your place?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. Well, then, how can you control results?

Mr. BERNSTEIN. Well, they desire to earn, and they are always there without imposing any conditions of time on them.

Acting Chairman WEINSTOCK. I see.

Mr. BERNSTEIN. Now, in my experience I remember distinctly that my partner came from the factory and told me, "They want to work to-night." Well, I was always a firm believer that the man who worked at night could not do much work the next day, but if we had any particular lots to go out, I would say, "All right; let them work," and they would work until half past 8 o'clock or 9 o'clock, but some of them were not content with that and would have stayed longer if we had not closed down. The conditions in the cloak and suit industry in New York and Philadelphia are entirely opposites.

Acting Chairman WEINSTOCK. What were the working conditions about the shop, the sanitary conditions, so far as you know?

Mr. BERNSTEIN. Well, I have been in the shops of every one of our members in the association. I made it a point to go there, because I was not busy last fall; and in some instances I told them—I gave them suggestions what I should do, and I feel confident that every suggestion was acted upon. Mr. Tappling, who is sitting to my right, was also with me, as he was vice president of the association, and we made this point to go around, because I am a firm believer of what I have repeatedly said, that no manufacturer can manufacture without labor; the producing power must be there, and you must keep the producing power in good order and afford a good place for it.

Acting Chairman WEINSTOCK. Well, in view of the fact, then, that from your point of view there were no real grievances, that the earning power was fair, that the working hours were within their own control, and that the working conditions were good, what were the demands made on the part of the workmen?

Mr. BERNSTEIN. On the part of the working people?

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. I can comfortably state to you none.

Acting Chairman WEINSTOCK. They made no demands on you at all?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. How was it possible to have a strike if they made no demands?

Mr. BERNSTEIN. Those things are made up; those things can be manufactured.

Acting Chairman WEINSTOCK. Well, what were the manufactured demands, then?

Mr. BERNSTEIN. Did you ever read them off, sir?

Acting Chairman WEINSTOCK. I did not.

Mr. BERNSTEIN. Would you like to?

Acting Chairman WEINSTOCK. I haven't the time to just now, but if you will brief them out to me it will answer the purpose.

Mr. BERNSTEIN. I read to you two or three of the conditions, I believe. I will just leave this here, if you would like to read it over.

Acting Chairman WEINSTOCK. Can you briefly tell us what they asked?

Mr. BERNSTEIN. Well, the main point was the recognizing of the shop chairman, as I told you before.

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. Fifty hours shall constitute a week's work; which we were agreeable afterwards to give them.

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. They then summaried nine hours for the first five days and five hours on Saturday. There should be no more than six hours' overtime work in any week and no more than two hours in any one day. No work shall be given to the employees to be made at home, which was entirely optional on the part of the employees.

No. 4 was that the manufacturers shall recognize the shop chairman. The employer shall maintain sanitary shops, standards to be agreed upon by the representatives of the union and the firm. Pay to be in cash and on a designated day. That certainly was a joke, because we don't pay in anything but cash. The work to be equally distributed amongst the employees during the dull season. No charge shall be made for electric power, belts, needles, cotton, or any part of the machine. The complete abolition of all contracting and subcontracting in the entire cloak and suit trade, both inside and outside the factory. There should be no time contract between the firm and individual employees except in the case of foreman, designer, and cotton cutter. No. 11. No security deposit shall be demanded by the firm from any employee, and such deposits as have already been made by the working people shall be returned to them. No overtime shopwork between November 28 and January 15 and May 15 and August 1, except on making of samples. And there was some remark here about pieceworkers and week workers and cutters and sample makers and finishers and pressers.

Acting Chairman WEINSTOCK. Which of these demands did you object to? Which did you think were unreasonable and unwarranted?

Mr. BERNSTEIN. No. 4 particularly.

Acting Chairman WEINSTOCK. Will you read it, please?

Mr. BERNSTEIN. The manufacturer shall recognize the shop chairman.

Acting Chairman WEINSTOCK. What others did you find?

Mr. BERNSTEIN. And No. 9, the complete abolition of all contract and subcontract work in the entire cloak and suit trade, both inside and outside the factory.

Acting Chairman WEINSTOCK. On all the other points you could have come to an understanding with the workers, but those two points, as I gather it, you locked horns?

Mr. BERNSTEIN. These were in the general condition.

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. Now, there were conditions of pieceworkers and week workers and cutters and sample makers on which we did not agree to an extent.

Acting Chairman WEINSTOCK. Were your people organized before this trouble arose?

Mr. BERNSTEIN. Nominally, no. The association had been formed in 1906 or 1907, but it was entirely inactive.

Acting Chairman WEINSTOCK. What?

Mr. BERNSTEIN. I was not a member of it at that time.

Acting Chairman WEINSTOCK. I am not speaking of the manufacturers. I mean the workers. Were the workers organized?

Mr. BERNSTEIN. Oh, without question.

Acting Chairman WEINSTOCK. Before this trouble arose?

Mr. BERNSTEIN. Oh, yes.

Acting Chairman WEINSTOCK. Did you recognize their association in any way—their union—up to that time?

Mr. BERNSTEIN. Well, there was no necessity; there were no questions came up in these days, or any conditions arose that required any meetings of any nature.

Acting Chairman WEINSTOCK. Then one day some committee, I take it, came to you with this document and asked that you give it your consideration?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. How did you treat the matter?

Mr. BERNSTEIN. Well, I think all of us—shall I answer for all of us?

Acting Chairman WEINSTOCK. Please.

Mr. BERNSTEIN. Because this has been debated so long that I can really answer you in the plural. It was the view of everyone to avert, if possible, this strike, because we were confident in one thing, that these people who were helping us to manufacture—I mean laboring people now, working people—were not going to benefit by this strike, although they thought they would under what they were told by the leaders. I knew that we would not benefit, and they certainly were not going to declare a strike in the dull season; so they waited until our men were on the road and had sent in their orders, and on July 14 the bomb burst. We had several meetings of our executive committee, and also, I think, three meetings with them.

Acting Chairman WEINSTOCK. What, three meetings with the representatives of the workers?

Mr. BERNSTEIN. Yes.

Acting Chairman WEINSTOCK. Joint meetings?

Mr. BERNSTEIN. Yes; about four or five of us, with two of them, I believe. Yes; there were two. We were pointed out one particular phrase of the letter which went with these conditions. I don't know that I can just put my eyes on it. It read: "Yet at the same time the unions have determined at all hazards to employ all legitimate means"—that word was spelled wrongly; it had an "il" left off at the front—"for the purpose of effecting those proposed changes." The gentlemen representing the other side were very insistent upon calling our attntion to this particular phrase—that they were "determined at all hazards." And I answered the men that "We will endeavor on our part to accede to the wishes which you state are the workers' wishes, but which are not the workers' wishes, to see whether we can not get together with you." And he says, "If you don't, what are you going to do?" and I said, "I am going to fight you to a finish." Well, he said, "That is what it will be." I said, "Now, you are going to be the sufferers; your hands are going to be the sufferers; the manufacturer is going to be the sufferer." I said, "Absolutely not a soul in the city of Philadelphia or from any drawing places we have in the United States is going to benefit by this."

Acting Chairman WEINSTOCK. Well, then, up to that point, Mr. Bernstein, it was a case of one organization through its representatives dealing with the other organization through its representatives.

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. There was mutual recognition there; that is, you recognized the unions and they recognized your association?

Mr. BERNSTEIN. Well, we recognized them in so far only that we could avert this for our poor hands; our friends we call them, even though the workingmen do not think so.

Acting Chairman WEINSTOCK. Well, regardless of what the motives may have been, the fact is they recognized your association and you recognized their association?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. And whatever agreement might have been arrived at would have been for collective observance?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Now, I gather from that, having come together, you were unable to agree?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Was there any attempt made or any suggestion made on either side to submit the disputed points to arbitration?

Mr. BERNSTEIN. Not at that time, sir.

Acting Chairman WEINSTOCK. You did not suggest it, representing your association, nor the workers did not suggest it, representing their association?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. It was simply a case of a hung jury?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Then what followed?

Mr. BERNSTEIN. Then the strike was declared.

Acting Chairman WEINSTOCK. By the workers themselves?

Mr. BERNSTEIN. Yes, sir; by the unions.

Acting Chairman WEINSTOCK. By the unions?

Mr. BERNSTEIN. Yes; not the workers.

Acting Chairman WEINSTOCK. What was the ultimate—what was the result of it?

Mr. BERNSTEIN. The result of it was that they went out on strike and remained out on strike for exactly six months.

Acting Chairman WEINSTOCK. Then, how was it finally terminated?

Mr. BERNSTEIN. Well, by them giving up the fight.

Acting Chairman WEINSTOCK. Well, I have found, Mr. Bernstein, in my experience in dealing with labor disputes that it is very rarely that a dispute of that kind arises and culminates into a strike, which frequently leads to violence, that when a careful analysis is made of all the circumstances it is found that the trouble was due either to a misunderstanding or through mistake made on one side or on the other side, or by both sides. Now, what we want to get at as a commission—we are not interested in any particular strike and we art not interested in knowing whether Jones or Smith or Brown is at fault. What we are interested in is to get at the underlying causes for these troubles. Now, you think, Mr. Bernstein—and you ought to be the best critic under the circumstances—that you could hold the situation at arm's length and review it and put your finger on the point of failure; point out just where the mistake was made by one side or the other, if any mistake was made, so we may get the benefit of your criticism of the whole case? I know that you are manly enough, Mr. Bernstein, that if you made any mistakes to acknowledge them thoroughly.

Mr. BERNSTEIN. I certainly would acknowledge it. I should not hesitate for a moment. I would tell you if the policy which we pursued, upon reviewing it now after six months, whether we found ourselves in any manner wrong, because I am one of those fellows who will never be always in the right; but I believe that if such matters are to be conducted properly—and when I make this remark I do not mean for the manufacturer, I mean for the benefit of the workingman—if the workingman could only look into these matters and realize and recognize that he is the one that is being trampled on only, that the manufacturers of to-day—I could not say these gentlemen, but I mean to say in our association—are only too willing to accede to any demands. Certainly there is another side of the question.

Acting Chairman WEINSTOCK. Well, do you think the workers in that case—did the employees in that case make any mistake; and if so, what was their mistake?

Mr. BERNSTEIN. Well, the imposition. That was a direct intent, you know. You must not forget the little remark which I made to you, which may sound wrong. We were "due." There has got to be a strike somewhere—no strike, no pay—but if the poor working fellow strikes, no pay.

Acting Chairman WEINSTOCK. You mean, then, that the workers were led like so many sheep by their leaders to a slaughter?

Mr. BERNSTEIN. Absolutely; yes, sir.

Acting Chairman WEINSTOCK. That the rank and file were opposed to the strike, but, having leaders who were not sincere, they tried to exploit the workers for their own selfish benefit?

Mr. BERNSTEIN. Allow me to answer you in this manner, please. Daily members of our association—Mr. Kelly, whom I think you have on the stand after me, and my partner, and these gentlemen, and many others of us here—received no less than 10, 15, 20, 30, or 40 telephone calls a day from our own working people saying, "For God's sake, bring this thing to a close; accept their conditions and get us back, and after we are back we will keep right on the way we were going; but, for God's sake, stop this strike." Now, I will leave these gentlemen testify. I don't know whether my figures are right—sometimes there were more, sometimes less. So you can see the position of the workman was to get back to work.

Acting Chairman WEINSTOCK. So far as you know, Mr. Bernstein, did the leaders in the unions have the power on their own volition to declare the strike, or did they take a secret ballot as to whether there should be a strike?

Mr. BERNSTEIN. I could not tell you that, sir.

Acting Chairman WEINSTOCK. You don't know?

Mr. BERNSTEIN. No.

Acting Chairman WEINSTOCK. You think, then, that the mistake on the part of the workers was in having been ill-advised or having leaders that deliberately forced them into a strike against their wishes and against their best interests?

Mr. BERNSTEIN. I should view it that way; yes, sir.

Acting Chairman WEINSTOCK. What mistakes, if any, did the employers make? If you had the thing to do all over again and you wanted to avert the strike in every legitimate way, what would you do that you did not do in this case?

Mr. BERNSTEIN. Well, the very same question that you are asking me, I have asked our board immediately following the settling of the strike, or, in fact, during the strike, and while we do not want to hold admiration meetings over ourselves in any manner, we all came to one conclusion; in fact, I might say, I went further than the executive board, we took in some of our members and asked the very same question, and we all concluded that if we had the thing to do over again that we would do it in the very same manner if the other side refused to listen to arbitration in the manner which we suggested that was best.

Acting Chairman WEINSTOCK. But a little while ago I put the question to you, Did you or the workers suggest arbitration? and you said no.

Mr. BERNSTEIN. No; I answered this gentlemen in the early part, we attempted arbitration with them.

Acting Chairman WEINSTOCK. You did suggest arbitration?

Mr. BERNSTEIN. Not suggest; no, sir.

Acting Chairman WEINSTOCK. What did you do?

Mr. BERNSTEIN. Preceding the strike—you mean during the strike?

Acting Chairman WEINSTOCK. No; at any period?

Mr. BERNSTEIN. Preceding the strike, not during the strike.

Acting Chairman WEINSTOCK. I see.

Mr. BERNSTEIN. We were approached by several gentlemen who endeavored to bring forward arbitration. We listened to some of them. They gave us the assurance that the other side was quite willing. We even went so far as to tell them we would give quite some consideration, in going one, two, or possibly three steps further than what we had gone the day when the suggestion was made before the strike, but we found that those who approached us came there in the guise of friends, but they were nobody and we dropped them.

Chairman WEINSTOCK. Well, now, there have been instances that have come under my notice, where in cases of trouble similar to the case we are discussing now, third parties would come to the employers and suggest arbitration, and the representatives of the employers would say there is nothing to arbitrate. Was that attitude taken by your association at any time?

Mr. BERNSTEIN. Not until the latter part of it, sir.

Acting Chairman WEINSTOCK. Not until after cessation of work?

Mr. BERNSTEIN. Oh, considerably after that.

Acting Chairman WEINSTOCK. Up to that time you were quite ready to submit the disputes to arbitration?

Mr. BERNSTEIN. Absolutely.

Acting Chairman WEINSTOCK. The other side refused to submit to arbitration then?

Mr. BERNSTEIN. Not until—do you mean before the strike?

Acting Chairman WEINSTOCK. Well, at that time you were willing to submit the matter to arbitration was the other side also willing to submit to arbitration?

Mr. BERNSTEIN. They said they were; yes, sir; preceding the strike.

Acting Chairman WEINSTOCK. Well, then, if both sides were willing to submit the matter to arbitration, why was not the matter arbitrated?

Mr. BERNSTEIN. Because they insisted upon the appointing in each and every shop of a shop chairman.

Acting Chairman WEINSTOCK. Wasn't that the thing to be arbitrated?

Mr. BERNSTEIN. It could not be.

Acting Chairman WEINSTOCK. Why not?

Mr. BERNSTEIN. Absolutely impossible.

Acting Chairman WEINSTOCK. You mean they refused to arbitrate that particular point?

Mr. BERNSTEIN. Absolutely. That was the main hinging point.

Chairman WEINSTOCK. Were you willing to arbitrate that particular point?

Mr. BERNSTEIN. No; that was one point we would not arbitrate.

Acting Chairman WEINSTOCK. Then you struck a point where neither side would arbitrate?

Mr. BERNSTEIN. Where we hedged. That is, we were both up against the wall on that. There were other points we were perfectly willing to accede to them, and they were in a small manner.

Acting Chairman WEINSTOCK. Well, then, is that so, then? Wise men profit by experience, especially if it is costly experience, and I take it that this must have been rather a costly experience?

Mr. BERNSTEIN. It was.

Acting Chairman WEINSTOCK. Might I ask incidentally what it cost the manufacturers—the strike?

Mr. BERNSTEIN. Now, that is a very hard question, sir. You mean, I take it, as regards our strike expenses?

Acting Chairman WEINSTOCK. Well, the collective loss of the manufacturers. How much poorer were they than they would have been?

Mr. BERNSTEIN. I can't say.

Acting Chairman WEINSTOCK. You can't tell?

Mr. BERNSTEIN. No.

Acting Chairman WEINSTOCK. Were there no estimates made as to the loss sustained by the manufacturers and the wage earners? That is usually done in the event of any large strike; they figure up the cost pro and con.

Mr. BERNSTEIN. I don't see, really, how it could have been done, because a man would not know what volume of business he might have done, you know. The strike occurred on the 14th of July, which is really the beginning of the garment season.

Acting Chairman WEINSTOCK. Are we to understand, Mr. Bernstein, that if the same circumstances were duplicated to-morrow, knowing what you know to-day, that you would take exactly the same position as you did before, or would you profit by your previous experience and do something you did not do to avert the strike?

Mr. BERNSTEIN. That is a question?

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. I think that we really had reached the end of the rope in going into the experience as far as we did. I know it is the absolute determination of every manufacturer in this town that never in his existence, as long as he is in the cloak and suit business, will he permit a shop chairman in his shop. Now, I might answer you.

Acting Chairman WEINSTOCK. Will you tell us, Mr. Bernstein—we are laymen in the commission——

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. What is meant by shop chairman? What are his functions? What are his powers and responsibilities?

Mr. BERNSTEIN. Will you let me just finish the other answer?

Acting Chairman WEINSTOCK. Surely.

Mr. BERNSTEIN. I will present to you what I heard expressed so thoroughly in our association rooms, that never would they permit a shop chairman in their establishment. When I tell you that you can infer just exactly what would happen if another strike were to come about. That is the main issue, and none of them—I am not speaking through myself for them, but I am speaking for them of them as they spoke to me and to all of us—so if it is the union's purpose at any time to appoint a shop chairman——

Acting Chairman WEINSTOCK (interrupting). It will be war to the knife?

Mr. BERNSTEIN. How?

Acting Chairman WEINSTOCK. It will be war to the knife?

Mr. BERNSTEIN. Well, something like that, although it was before the same thing.

Acting Chairman WEINSTOCK. Now, will you be good enough to tell us about the shop chairman; just what he does, and what his limits are?

Mr. BERNSTEIN. I will try to. I told you before that we had a strike of one day in 1904. The union had in a measure entered our stock, and in the pressing room there came forward an instance that we had a man in charge there, with probably 10, 12, or 14 pressers, and after a garment is pressed it passes to the

examining table again, from which place it goes to the men or girls who sew on the buttons and the garment is completed. This particular man in charge of the pressing room brings this garment over to my partner—this particular garment—and shows it to him, and this was the first day that the union were in our shop. This morning, in fact, I think it was about 10 or 11 o'clock, to be precise, he said: "I told this man this garment is not right, and I told him I would not accept it and that he should press it over again," and he said "That garment is all right, and I won't press it over," and I said to my partner, "Will you pass that garment?" and he said "Absolutely no," and with that my partner goes into the pressing room and says, "Who is the man who pressed this garment?" and he said, "This is the man." So he acted toward him nicely, and said, "That garment is not pressed correctly; it will never pass." And with that this so-called shop chairman, although this name has only been delegated to them in the past few years; but preceding that time he was the common "delegate," he said, "That garment is pressed correctly and is not going to be pressed again," whereupon my partner said, "You get down that elevator and take the man who pressed the garment with you." So he did. In about an hour word comes around the shop we are on strike, and they went out on strike, and we left them alone and did not say anything to them. I think it was about a Tuesday morning and everybody walked back to his machine as happy as a lark and started working. So that is all the experience I have ever had with a shop chairman, but from all reports I have had from all the people, and particularly from New York City, it is something that we would never permit nor entertain for an instant.

Acting Chairman WEINSTOCK. Your point is that the shop chairman represents the worker and that he is supreme, and that in the recognition of the shop chairman you give up all control of your shop?

Mr. BERNSTEIN. Absolutely.

Acting Chairman WEINSTOCK. He becomes the supreme judge?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. And that, in your opinion, to do that would be to take away your rights and your privileges and your authority without due process of law?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Well, now, we were discussing the question of the protocol in the earlier part of the investigation, Mr. Bernstein, and, as has been brought out by some of the previous examiners, testimony has been submitted to this commission which might lead the commission to believe that, while the protocol as operated in New York is not the best conceivable condition; that, while it has its weaknesses and shortcomings and failings, on the whole, it has worked out fairly successfully; and, even admitting that it is an evil in certain directions, the consensus of opinion is that it is the lesser evil; that the conditions prevailing under the protocol are far better for the worker and employer than they were before the protocol; that it makes for industrial peace; that it provides machinery where all disputes can be adjudicated without cessation of work.

Now, from the testimony that you have submitted, Mr. Bernstein, your opinion, seemingly, is that it is a failure; and if so, will you be good enough to tell the commission why and what are its points of failure—wherein it has fallen down?

Mr. BERNSTEIN. I don't know that I can delve very closely into the conditions and acting of the protocol in New York. I have read them and forgotten them. But I can tell you gentlemen that I do not know what testimony or from whom you got testimony during your investigation in New York City, but I can tell you this, that there is hardly a week goes by that I do not meet gentlemen here from New York who tell me of the raw state of affairs existing there; possibly I have no right to talk about this, but as long as you asked this question I am going to give you the opinions which I hear.

There are strikes in New York in a small manner, so to say, there are cessations daily, not in one but probably 3, 5, 10, or 20 instances in different shops. If I could recall one, just at this moment, which I heard of two weeks ago, it would be very interesting. I can not really recall it at the moment. But the people went down and they were visited by the New York union representatives and also a representative of the New York association, and there seems to be a kind of cahoot over there between those two fellows of some manner—I don't know what it is; it is not here; and this man was obliged to wait three days before his machines were resumed to be working.

Now, the protocol, from what little I can recall, is anything but good to the workingman; and if you gentlemen hear my remarks generally here, you may assume that I am not for the workingmen as much as I am; but I am, because I was a young working fellow once, and I appreciate their duties.

Now, the protocol, as far as I can understand it, is absolutely no good. It is against the workingman.

Acting Chairman WEINSTOCK. How?

Mr. BERNSTEIN. I can not tell you the particulars; it may be Mr. Kelly knows more about it than I do, or Mr. Tappling, but I have heard it and read it and forgotten it.

Acting Chairman WEINSTOCK. Well, of course, we value your opinion, Mr. Bernstein, but what would be more helpful to us would be the fact.

Mr. BERNSTEIN. I think I have a copy of it, and would be very pleased——

Acting Chairman WEINSTOCK (interrupting). We have that, have a copy of the protocol. But what we do not know at present is its points of failure, which perhaps you can point out to us.

Mr. BERNSTEIN. I haven't any in mind at present; I haven't them in mind.

Acting Chairman WEINSTOCK. I gather, then, that you believe that, from the standpoint of the worker, it is harmful to him?

Mr. BERNSTEIN. From what I have heard.

Acting Chairman WEINSTOCK. Rather than helpful to him.

Mr. BERNSTEIN. From what I have heard; yes, sir. I think they are misdirected by it.

Acting Chairman WEINSTOCK. And how about from the standpoint of the employer? Is it harmful or helpful to him?

Mr. BERNSTEIN. Well, I don't think it is a question either of benefit or otherwise, hardly.

Acting Chairman WEINSTOCK. You mean, that so far as the employer is concerned it neither helps nor hurts him.

Mr. BERNSTEIN. As far as I remember it; I have not investigated it closely at all, any more.

Acting Chairman WEINSTOCK. Well, then, if that is true, if that is against the interests of the worker, but does not affect the welfare of the employer, so long as the worker should be satisfied to enter into the protocol, what objection could there be to the employer to do it, if he would not be affected by it?

Mr. BERNSTEIN. I regret that I can not answer you. I really do not recall the particulars. I have not read it up for a long time.

Acting Chairman WEINSTOCK. Suppose there was an effort made to establish the protocol in Philadelphia, what would be the attitude of your members, as nearly as you can state, of your associates?

Mr. BERNSTEIN. Well, as nearly and as vaguely as I remember the conditions of the protocol, I should oppose them, although I am not entirely certain of the points contained therein.

Acting Chairman WEINSTOCK. Were you present, Mr. Bernstein, in the last day or two, when representatives of both sides testified before this commission on the pottery industry?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. And on——

Mr. BERNSTEIN (interrupting). The metal trades?

Acting Chairman WEINSTOCK. No; the glass blowers' industry?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. Well, for your information, then, let me explain that in both of those industries this is the condition that prevails: The workers are strongly organized; the employers are strongly organized; they recognize each other and they deal with each other. They enter into trade agreements, written agreements; and these agreements, if I mistake not, provide that in the event of a dispute arising, that dispute, without cessation of work, must be submitted to arbitration, and the findings of the arbitrators must be accepted by both sides. Those things do tend to industrial peace. Now, do you know why that plan should not work out as well in the garment industry of Philadelphia as it does in the pottery industry or the glass blowers' industry?

Mr. BERNSTEIN. Well, may I ask you, is there a shop chairman on the premises?

Acting Chairman WEINSTOCK. I don't know; my friend, Mr. O'Connell, says there is a grievance committee. They gave it a different name there, they call it a grievance committee.

Mr. BERNSTEIN. It is not a committee, it is a gentleman, an individual, single.

Acting Chairman WEINSTOCK. He is never married?

Mr. BERNSTEIN. A single one, individual. If it arrives at a question that a manufacturer who, after hard dint and labor, has brought his plant up to a point where he must be subjected to a yes or no, or a turndown, or a this or a that of a single ignorant man, and his job, to get into his shop; then if those people can enter into that agreement in the glass blowers', or whatever the other association was, it is beyond me.

Commissioner O'CONNELL. One of those trades indicated have not had a strike for 18 years, and the other one has not had a strike for 24 years.

Mr. BERNSTEIN. I don't want you gentlemen to think that where strikes occur that we like strikes, because we do not, and it was our effort to avert them in any manner possible.

I don't know, but as I understand this gentleman, from the very early part of it, we certainly have no objection to people organizing themselves. We do not control them. We simply pay them for the labor which they deliver us, it is a matter up to them whether they see it for their benefit, but they certainly do not derive any benefits in any degree, did not in the slightest from the strike, and there was nobody more sorry for them than I was.

Acting Chairman WEINSTOCK. What would be the attitude of your association, Mr. Bernstein, to put my question in a somewhat different form—I don't think I made it as clear as I meant to make it—if parties were to come to your association and suggest the advisability of duplicating the conditions that prevail in the pottery industry to your industry?

Mr. BERNSTEIN. Oh, they are not applicable.

Acting Chairman WEINSTOCK. They are not applicable?

Mr. BERNSTEIN. Absolutely not.

Acting Chairman WEINSTOCK. Where would they prove a misfit?

Mr. BERNSTEIN. In a great many degrees. As regards wages, which they might contend would be only just and fair. There would be no comparing of the two industries whatever.

Acting Chairman WEINSTOCK. Well, we know, of course, that the wages are different, but then the matter of wages is not the principle involved in the matter—the principle involved is very largely the same.

Mr. BERNSTEIN. Very largely.

Acting Chairman WEINSTOCK. The amounts may differ, but the principle is the same. If the potters and employers can get together and determine their wages, why can't the employers and the workers in the garment industry get together and determine the wages?

Mr. BERNSTEIN. They have been.

Acting Chairman WEINSTOCK. That has all been done?

Mr. BERNSTEIN. That had been, previous to the strike.

Acting Chairman WEINSTOCK. They had been adjudicated by both sides?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Then there would be no room for an issue there?

Mr. BERNSTEIN. Not collectively. Individually in all instances.

Acting Chairman WEINSTOCK. That is, you made a bargain with each separate worker?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. You did not deal with them as a body?

Mr. BERNSTEIN. No.

Acting Chairman WEINSTOCK. As a group?

Mr. BERNSTEIN. No, sir; not collective bargaining.

Acting Chairman WEINSTOCK. Not even those in your own shop?

Mr. BERNSTEIN. No, sir. I might say that different garments pay different prices, and different tailors make different garments.

Acting Chairman WEINSTOCK. I see.

Mr. BERNSTEIN. So one particular tailor might be able to make a garment of higher class and one of lower class. Possibly the man who makes the lower class is able to produce that many more, or vice versa; depends upon his efficiency entirely. The man who makes the better garment might be more efficient in producing a better garment quicker than a man who makes the lower garment, and a better price.

Acting Chairman WEINSTOCK. In order to get that clear in my mind, tell me what the system is to-day. Your designer brings you a new design of a costume?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Who fixes the price for the different operators for the different parts of that costume?

Mr. BERNSTEIN. Well, the cloak and suit business has gone along for a long while; there might be changes; there is some relative nearness to garments that have been produced previously from which you could determine the price.

Acting Chairman WEINSTOCK. Who is the price maker?

Mr. BERNSTEIN. Well, the man in charge, usually.

Acting Chairman WEINSTOCK. The employer?

Mr. BERNSTEIN. Yes.

Acting Chairman WEINSTOCK. Does the worker have any voice whatsoever in the fixing of that price?

Mr. BERNSTEIN. I should say yes.

Acting Chairman WEINSTOCK. At what stage of the game does his voice enter?

Mr. BERNSTEIN. Well, a garment is produced in the following manner—I don't know whether you know anything about it——

Acting Chairman WEINSTOCK. Not practically; no, sir.

Mr. BERNSTEIN. The garment is produced, and the designer gets his design and cuts his model and gives it to what we call a sample maker. This sample maker is a tailor, but in this particular time he is then on week work, as a rule. The garment is then finished, and, if it is suitable and meets the eyes of those for whom it was produced, it is duplicated, so that the other men on the road or the New York office also has a sample. In the producing of the duplicate samples the price is determined. The manner in which we do this is as follows:

In the making of samples we pay a certain price for all samples; makes no difference what they are.

Acting Chairman WEINSTOCK. For the garment complete?

Mr. BERNSTEIN. No, sir. A coat is one tailor and a skirt is another tailor.

Acting Chairman WEINSTOCK. Yes.

Mr. BERNSTEIN. Particularly of a coat, or a suit as a jacket; we speak of them in that manner. A coat implies a single garment, and a jacket a suit. After we work two or three weeks and have some garments to produce, whatever this garment is worth more than the nominal sum of $2 or $2.50, which we give to the tailor, we give him credit for that.

Acting Chairman WEINSTOCK. Who determines whether it is worth more than $2?

Mr. BERNSTEIN. The man in charge of the establishment.

Acting Chairman WEINSTOCK. The employer?

Mr. BERNSTEIN. Yes, sir; sometimes, not always, the employer; sometimes the designer.

Acting Chairman WEINSTOCK. He would represent the employer, of course?

Mr. BERNSTEIN. Yes.

Acting Chairman WEINSTOCK. Supposing I was the operator, and here was a new garment brought out, and it was turned over to me to do, and I was informed that the price of that garment was $2.50, and I objected and held that $2.50 was not enough, that it was worth $3; what would happen?

Mr. BERNSTEIN. Well, if we did not think it was worth $3, I would either not give you the garment, but somebody else would get it, but if you talked to me and showed me where it was worth more than $2.50, the price would be advanced.

Acting Chairman WEINSTOCK. But if you couldn't advance it, if I couldn't convince you it was worth more and you couldn't convince me it should be done for $2.50, then we could not agree?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. Then, I would have no voice except to suggest to you that it ought to bring more.

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. Aside from that my powers would end as a worker.

Mr. BERNSTEIN. On that particular garment, but there are others.

Acting Chairman WEINSTOCK. You would have the last word?

Mr. BERNSTEIN. Not exactly.

Acting Chairman WEINSTOCK. Then who would have the last word?

Mr. BERNSTEIN. If you were a good tailor I would give you another garment to make.

Acting Chairman WEINSTOCK. Who would have the last word on that particular garment?

Mr. BERNSTEIN. There would be other garments; if my idea is that that garment is well paid for at $2.50, there are many others who would make it for $2.50.

Acting Chairman WEINSTOCK. What I want to get at is this: Under collective bargaining, take it in the pottery industry, the two sides come together on the question of determining wages or prices, if it is piecework, and if they can not come to an understanding it is submitted so that a price is arrived at that both must accept.

Mr. BERNSTEIN. To whom?

Acting Chairman WEINSTOCK. Somebody that they both agree upon, I presume.

Mr. BERNSTEIN. I mean, outside of the pottery business?

Acting Chairman WEINSTOCK. I am not familiar with the details. They have both committees that thrash the matter over, and the worker has an even voice with the employer. That is, the employer has not arbitrary power, on the theory that the worker has his work to sell and, having it to sell, he feels he is entitled to a voice in determining the value of that work. He is not supreme, he can not dictate, and the employer is not supreme and he can not dictate; they get together ultimately, by mutual concessions, until an agreement is arived at which is satisfactory to both sides.

Mr. BERNSTEIN (interrupting). Mr. Weinstock——

Acting Chairman WEINSTOCK (continuing). But I take it in this case, from the explanations made, that the employer is supreme in the fixing of the price; that the worker can suggest, can recommend, but he has no power. I take it it is the difference between individual bargaining, where the employer is absolutely supreme, and collective bargaining, where the worker has a voice to protect himself in that way against the unfair employer. You know, of course, as I do, Mr. Bernstein, that among the workers there are fair workers and there are unfair workers, is not that true?

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. There are some workers who give you a fair day's work for a fair day's pay?

Mr. BERNSTEIN. Yes.

Acting Chairman WEINSTOCK. There are some workers who give you an unfair day's work for an unfair pay, isn't that true?

Mr. BERNSTEIN. I presume so, in anything.

Acting Chairman WEINSTOCK. That is not a one-sided condition. I think you will agree with me that, among employers, there are fair employers and unfair employers?

Mr. BERNSTEIN. I will grant you that also.

Acting Chairman WEINSTOCK. And there are fair employers who are willing to give a fair day's pay for a fair day's work, and there are unfair employers who are not willing to give a fair day's pay for a fair day's work.

Mr. BERNSTEIN. Yes, sir.

Acting Chairman WEINSTOCK. The purpose of collective bargaining, as I understand it, is to protect the worker not against the fair employer, but against the unfair employer, and the only way that has yet been conceived, from all that I have been able to determine as the results of my investigation that the worker can be protected against the unfair employer, is by this system of collective bargaining, where he is given a voice?

Mr. BERNSTEIN. Permit me to answer you in one or two words. I don't think that any conditions which have resulted in trouble here—there is only one word to put there, strike—has ever been brought about through any question of prices solely. Now, I might say that my partner, who is a manufacturer—I must speak of our own place, because that is the most I know of—we have been in business 14 years and we have made hundreds of thousands of garments in that time, how many I don't know; there have times come up when the prices which we would set on garments, in instances, were not entirely satisfactory; they were always adjusted without any trouble; no trouble whatsoever. There might be a little bit of a hitch in the matter of saying this garment is worth so much more, and I would say I don't think it is worth so much more, and "now, show me the difference between this garment and one produced last season."

I must say, in all earnestness, that in the majority of instances they found that we would pay them what was right. The moment I would say, "That garment is no different from the garment we had last summer" or compare it with another garment of the same line of the present season—sometimes I was

wrong—raise the price a little bit, and everything went along hunky-dory. Those troubles—the strikes—are not from the price question. There might be in some little bit of a shop, and neither you nor I can go and change that, but when you come to speak of a majority, taking it as a whole, strikes do not result from prices.

It is not a question of that matter.

Acting Chairman WEINSTOCK. Well, are you in favor, then, Mr. Bernstein, of any system that would lead to trade agreements?

Mr. BERNSTEIN. Not from past experience; I am not.

Acting Chairman WEINSTOCK. Not from past experience?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. If we were to invite your advice, then, to the commission as to whether we would recommend to the employers of the Nation that, as a means of establishing a higher degree of industrial peace, they should enter into trade agreements, you would not be in sympathy with that recommendation?

Mr. BERNSTEIN. The term which you imply there is so indefinite that I would hardly, under any conditions, give my assent, because the arbitrator or mediator or conciliator, whatever you might wish to have come in, in a great many instances is appointed under compulsion, on either one side or the other, to have a party who absolutely has no knowledge of the business.

Acting Chairman WEINSTOCK. Not in the making of a trade agreement, Mr. Bernstein.

Mr. BERNSTEIN. Very possible.

Acting Chairman WEINSTOCK. You are the employer and I am the worker; you represent the employers and I represent the workers.

Mr. BERNSTEIN. Pardon me just a moment. I can give you an instance of that right in the men in our own business. I assure you if I were called to-day as an arbitrator on some classes of our own merchandise in the very cheapest lines—we make the better line only—I would be a very poor arbitrator, because I would see that garment only with my own eyes in looking at a well-finished garment and I would not be able to determine what the proper price would be in a cheaper garment. I have had instances of it, and I did not feel competent.

Acting Chairman WEINSTOCK. I did not make myself clear. What I wanted to convey to your mind was this: That, so far as making trade agreements are concerned, the arbitrator, as a rule, is not called in. The time when the arbitrator is called in is when it comes to the interpretation of that trade agreement. You and I may enter into an agreement to-day and to-morrow you would put one interpretation upon it and I would put an entirely different interpretation upon it. To settle what is the correct interpretation of it, we would probably decide to put in a third party. There is the arbitrator who steps in. But I asked you, are you in favor of the trade agreements? Are you in favor of the employees and the employers, through their respective representatives, coming together and fixing the conditions which shall prevail for a number of years?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. You are not in favor of it?

Mr. BERNSTEIN. No, sir.

Acting Chairman WEINSTOCK. You don't think it would work out satisfactorily to employer or worker?

Mr. BERNSTEIN. No, sir; I am looking on the side of the worker as much as I am on the side of the manufacturer.

Acting Chairman WEINSTOCK. How do you explain the fact that there are so many industries which have trade agreements where both sides pronounce them as being satisfactory?

Take it in the railroad industry, one of the largest industries in the world, employing hundreds of thousands of men, and they operate satisfactorily under trade agreements; strikes are extremely rare, because many of them have provisions in their agreements that when a dispute arises it shall be submitted to arbitration, and that there shall be no cessation of work, and the decision of the arbitrator shall be binding on both sides.

How do you explain the fact that they are eminently satisfied in the printing business, another large industry? Trade agreements have worked very satisfactorily in the pottery industry, and in the glass blowing industry. Those trade agreements have been going on for untold decades; and from your point of view they should have all ended in wretched, miserable failure, but they have not.

Mr. BERNSTEIN. No; don't take my point of view as being general for all industries, if you please. I do not set myself up on a pedestal in that manner. You are speaking of our industry.

I explained to you before that the conditions existing before this strike was called couldn't have been better. Only those who were lazy and did not want to work were not making a living. There was plenty of work here. Everybody was satisfied.

Acting Chairman WEINSTOCK. Then, your judgment is, Mr. Bernstein, that the best conceivable condition for worker and employer in your industry is no organization, individual bargaining?

Mr. BERNSTEIN. Individual bargaining; our whole woman's garment manufacturers' association amounts to nothing more to-day, nominally, than an association that we have joined, as a club, with no set rules. We are trying to determine at the present moment how long or how short a garment is to be. That is all we are discussing. We have little meetings for the purpose of saying "How do you do" to each other, and we remain in that tranquil condition until we are aroused again.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Bernstein.

Mr. BUSIEK. I will call Mr. Kelly.

TESTIMONY OF MR. WILLIAM A. KELLY.

Mr. BUSIEK. State your full name, please.

Mr. KELLY. William A. Kelly.

Mr. BUSIEK. You are secretary of the Women's Garment Manufacturers' Association of Philadelphia?

Mr. KELLY. I am.

Mr. BUSIEK. How long have you held that position?

Mr. KELLY. Since about September.

Mr. BUSIEK. Since last September?

Mr. KELLY. Yes, sir.

Mr. BUSIEK. Are you also a manufacturer of women's garments?

Mr. KELLY. Manufacturer of women's garments, in the metropolitan streets, Fifteenth and Wallace Streets.

Mr. BUSIEK. How many employees have you?

Mr. KELLY. At the present less than two dozen.

Mr. BUSIEK. At high tide, in your business?

Mr. KELLY. Sixty to seventy people, perhaps a little more.

Mr. BUSIEK. In addition to that, do you put out any work on contract?

Mr. KELLY. All work manufactured on the premises.

Mr. BUSIEK. All work is manufactured on the premises?

Mr. KELLY. Yes.

Mr. BUSIEK. Is that a recent condition, or has that always been the practice?

Mr. KELLY. Always.

Mr. BUSIEK. Are there any contractors in the shop, in your shop?

Mr. KELLY. Skirt; two men take charge of the skirt end of it.

Mr. BUSIEK. And then they become contractors?

Mr. KELLY. They employ their help on the skirts.

Mr. BUSIEK. How about pressers?

Mr. KELLY. Two pressers take charge of the pressing end.

Mr. BUSIEK. They employ their assistants?

Mr. KELLY. They employ their pressers and underpressers.

Mr. BUSIEK. Do the tailors employ any assistants?

Mr. KELLY. Pieceworkers, no. Week worker, one week worker with an assistant.

Mr. BUSIEK. Who pays the assistant?

Mr. KELLY. We do, the firm.

Mr. BUSIEK. In these figures that Mr. Bernstein was giving I neglected to ask him about one thing, but you can probably tell. Do those workers have to pay any assistants out of those wages?

Mr. KELLY. None whatever. The finishers are entirely separate; paid by the firm.

Mr. BUSIEK. Do you confirm Mr. Bernstein's figures of the number of garment workers employed in Philadelphia, are they approximately correct?

Mr. KELLY. Yes, sir.

Mr. BUSIEK. The members of your organization employ about 75 per cent?

Mr. KELLY. Seventy-five to eighty per cent of the total help in the city. This matter of cloaks and suits, remember, does not apply to all needle trades; that our waist and dressmakers are entirely separate; they would come under the head of the needle industry. This is only the cloak-and-suit industry.

Mr. BUSIEK. That is all we are interested in now.

Mr. KELLY. Yes.

Mr. BUSIEK. Does your association maintain any data on the employees of the members at large? Do you have any exchange of information as to employees, or references of any kind? Supposing Mr. Bernstein hires a man and the man says that he formerly worked for you, is there any data preserved at the central office?

Mr. KELLY. None.

Mr. BUSIEK. Which would enable Mr. Bernstein to look that man up?

Mr. KELLY. No, sir; he would have to inquire from me.

Mr. BUSIEK. He would have to inquire?

Mr. KELLY. If the man worked.

Mr. BUSIEK. I suppose that is not at all uncommon, is it, that one employer inquires as to the record of an employee?

Mr. KELLY. Very seldom applies, because in this business they take the help on just as needed, and while it would be much more profitable if they would inquire as to a man's ability, most of them fail to do it.

Mr. BUSIEK. I suppose that you concur with Mr. Bernstein on the proposition that a shop chairman was a rock that would be bound to split on, you would be bound to split on?

Mr. KELLY. I have had a little bit different experience from Mr. Bernstein; I have had a union shop.

Mr. BUSIEK. How do you find it works in your shop?

Mr. KELLY. I closed my shop in August, 1913, as a union shop, and notified the employees that the employees of the shop ceased to be a union shop; that the shop had ceased to be a union shop that day, but it would be, on Monday, or any time thereafter, absolutely an open shop.

Mr. BUSIEK. What inspired that determination?

Mr. KELLY. The matter of adjusting prices; the price committee and the attitude of the employees after the strike had been declared was entirely different. For two years and a half conditions were very agreeable, but when the flaming circular went out, and they went on strike, they took them out of my shop as well as out of others; then when they came back the attitude of the employers was entirely different, because they felt they had a firmer hold and stronger stand with the union back of them, and on strike they assumed an entirely different attitude.

Mr. BUSIEK. In regard to what?

Mr. KELLY. As regards the making of prices.

Mr. BUSIEK. Did they insist on higher prices for their piece goods?

Mr. KELLY. My arrangements with them was that they stick to their former prices as arranged; always made a price list out and had it posted in the shop. They were satisfied with this, but when the new samples were made, under the new régime, after they had gone out on strike in the other shops, in one week—it took one week for me to get them back, and then the prices adjusted on the agreement were from 20 to 25 per cent higher than the same agreements were before the strike. They were bound by their agreement. They said they would stick to the price list as arranged previous to the strike, because I went right along under the same conditions we had always worked, but on the new prices they advanced their proposition absolutely, and made it such that it was impossible for me to work under the prices which they wished to make, and compete with the New York market.

Mr. BUSIEK. Did you have at that time any agreement with the union as to prices which their demands violated?

Mr. KELLY. Any agreement with the union?

Mr. BUSIEK. Yes. You say you ran a union shop?

Mr. KELLY. No agreement whatever. We have—we had the price committee and everything ran along swimmingly for two and a half to three years.

Mr. BUSIEK. How did this price committee work?

Mr. KELLY. Excepting in one instance, where the price committee worked such detriment. If a man would be appointed on the price committee, and I rather think it was a year or six months previous to the strike where a price committee was appointed, they were to come in on a Saturday afternoon or Sun-

day morning, whichever they could—Saturday afternoon was the first arrangement—to make their price with the designer; go over the prices that had been submitted and make their prices. Two of them came in and stated that they were unable to make prices; that the union would not allow them—I am only taking their testimony or their word to me for it—that the union would not allow them to make prices until the garments were completely finished, with the buttons and everything on them; they were only to make prices on the operating part of it.

They went out; they said they would be fined if it was discovered that they were in the place.

The third member of it, who at that time was the shop chairman, came in later and wanted to know where the others were. We did not know. He said he had stopped at one of their houses coming up, and that the wife said he had gone to work or had gone into the shop. Later on in the week we told them there was no use; we would go ahead and make prices without them. Then on Monday or Tuesday night following this the same members of the price committee waited for my designer, who left the factory, and on the way home, down Thirteenth Street, proposed to him that if he would pay them a premium of 10 or 20 per cent more for making the prices, pay to them over the prices which they made, that they would fix up the prices, which admitted of a blackmailing proposition. We were then a union shop. We immediately sent for the representatives of the union and got our hands in the shop, removed the tables from the shoproom, and held a caucus there, and got the business agent of the union in this city to be there at a certain time; and these men were all there and made him go through it, and compelled those people to testify, and that knowledge before him. Then he made the proposition for them to be paid more for the work that they made than the other working people.

Mr. BUSIEK. What happened to those men?

Mr. KELLY. The union took them out of my shop and sent them down to the union headquarters. What happened to them I don't know; they worked in other shops afterwards.

Mr. BUSIEK. Are they still union men?

Mr. KELLY. I don't know. They were, and were going in other shops afterwards.

Mr. BUSIEK. Mr. Kelly, has your association any affiliation with any other national organization?

Mr. KELLY. None whatever.

Mr. BUSIEK. Have you ever received any financial assistance during strikes from any other organizations?

Mr. KELLY. None watever.

Mr. BUSIEK. Where did you hire the guards or where did the guards come from?

Mr. KELLY. Wherever we could get them; men from licensed detective gencies, or wherever it was necessary that we could get them. Some men went out and hired them themselves.

Mr. BUSIEK. I suppose there was a dearth of licensed agencies to whom you could go?

Mr. KELLY. I don't know how many. Plenty of them.

Mr. BUSIEK. Have you any correspondence on the subject of those agencies furnishing this service?

Mr. KELLY. Never retained them. There was so much.

Mr. BUSIEK. You found that as soon as trouble brewed——

Mr. KELLY (interrupting). They would flock to you.

Mr. BUSIEK. They came to you; you could always get all you wanted?

Mr. KELLY. Yes, sir.

Mr. BUSIEK. What would they offer to do, Mr. Kelly?

Mr. KELLY. Furnish guards to escort the men to and from their work.

Mr. BUSIEK. Did they also offer to furnish men to attend union meetings and find out what was going on?

Mr. KELLY. None whatever.

Mr. BUSIEK. That offer was not made?

Mr. KELLY. Never made and never sought for.

Mr. BUSIEK. I don't——

Mr. KELLY (interrupting). I realize it is not personal.

Mr. BUSIEK. Did your association finance the prosecution of any men who were arrested for violence during the strike? Did you employ any special counsel to assist the prosecution?

Mr. KELLY. Not to assist the prosecution. We had an attorney to represent the association in any hearings or things that would come up.

Mr. BUSIEK. Have you any data as to how many arrests were made for violence?

Mr. KELLY. Not accurate. In the neighborhood of about 450 assaults; for violence, the most of them.

Mr. BUSIEK. And there was one conviction, so far as your record shows—I believe that is Mr. Bernstein's testimony?

Mr. KELLY. I believe—the testimony—we abandoned the idea of it, because the testimony, both at the time of the assault, and later on, when apparently surroundings or influences prevailed, were so flexible, we had no desire to go further.

A BYSTANDER. Mr. Kelly, permit me to correct you. There were two convicted on one trial.

Mr. BUSIEK. Mr. Kelly, you were speaking about the shop chairman a moment ago. Have you had any difficulty with the shop chairman, such as Mr. Bernstein seems to have in mind—that is, that they are arrogant or overbearing or attempt to run the employer's business?

Mr. KELLY. After the strike was declared off, and my employees came back, the attitude of the shop chairman, more at the behest of those working under him, was entirely different from previous to the strike. Another thing, we were not able to procure the help which we wanted. We had to send to the union for any help we wanted, and they were the judges of the ability of that help. We had the privilege of paying them.

Mr. BUSIEK. Didn't they send a number of employees from among whom you could select?

Mr. KELLY. They would send you a man or two at a time, and if you objected to them, they wanted to know all the reasons or objections that were made. We were first hampered in the pressing end of it. In this business all individuals can not be counted alike, for there are people who are more adaptable to the handling of the work and can handle it much more dextrously and can handle it much better; and that is the trouble with the shop committee. There are many times when one employee can make that garment, and make much better time on it, than another. One man can take a garment and get a dollar or a dollar and a half for operating, and make four or five a day; and another man might have trouble making two.

Mr. BUSIEK. Well, so long as you pay by piecework, what do you care?

Mr. KELLY. The more work that is turned out per machine, the less ratio of cost. The more work that is turned out in a given space the cheaper for you. Your power runs the same for one man as the other.

Mr. BUSIEK. Mr. Kelly, do you know anything about a system whereby some manufacturers demand of their pressers that they put up a certain amount of money as security?

Mr. KELLY. I don't know of any such system in existence to-day. I had heard of it previous to the strike, that such a thing was done; but I never knew it or never practiced it.

Mr. BUSIEK. Amongst whom was that system practiced?

Mr. KELLY. I don't know; I only heard of it in some vague sort of manner; I don't know to whom to attribute it.

Mr. BUSIEK. Do you know of any of that going on now?

Mr. KELLY. None that I know of.

Mr. BUSIEK. Do you agree with Mr. Bernstein that the members of your association would, under no circumstances now, deal with the employees as an organization?

Mr. KELLY. As an organization?

Mr. BUSIEK. Yes.

Mr. KELLY. From our experience and the caliber of those at the head of it and their actions in fomenting so much ill will toward the manufacturers, during the past struggle, it would not be advisable to deal with them under any consideration, as it would simply be intolerable under the present leadership, because the spirit of animosity was engendered very strongly during this strike and no attempt made to bring it along peaceably or bring any good feeling toward the manufacturer.

Mr. BUSIEK. What is your personal attitude? Will you hire union people now?

Mr. KELLY. Never ask the question as to whether they are union or nonunion.

Mr. BUSIEK. I suppose that men whom you consider as agitators, you would not hire in your shop?

Mr. KELLY. Men that had committed infractions of the law—that I knew—I would not—that is, that I knew personally.

Mr. BUSIEK. There were some 455 men who committed infractions of the law?

Mr. KELLY. Well, those are trifles. I mean men that committed serious infractions of the law; because there were a lot of men working in the business, who were not inclined to be unruly or in any way dangerous at all and circumstances and inducements made them such. That was force of circumstances with them, and not of their own volition.

Mr. BUSIEK. Is there any list kept of the violators of the law?

Mr. KELLY. No.

Mr. BUSIEK. And do I take it, then, that the only way you would know who was a violator of the law is if you would happen to have had some experience——

Mr. KELLY (interposing). As I would know them personally.

Mr. BUSIEK. I believe that is all, Mr. Chairman. But first, Mr. Kelly, how do the wages paid the garment workers here compare with those paid in other cities?

Mr. KELLY. That I am unable to answer; but I can answer you this, that I myself went over a list of my employees in the fall of 1912. This I did of my own accord just in order to satisfy my own mind. And my operators from July, 1912, until the end of November, 1912—that was the fall previous to the strike—and I found that my operators on coats averaged—those that made eight coats or more per week—of course, men come in for a short time and will be here for a part of the time, and they make four or five garments; but that is no criterion for a week's earnings. In that list I found that the coat operators had averaged twenty-six dollars and some odd cents per week, and the skirt operators averaged twenty-five dollars and some odd cents per week. That was for July, August, September, October, and to the end of November.

Mr. BUSIEK. Well, these men that made only four or five coats a week, could they have gotten more skirts or coats to work on?

Mr. KELLY. Possibly, because in the piecework system we keep no daily record of the hands that come in. If a machine is idle we notice it is idle. If it is idle two days in succession we want to know whether that man is laid up sick or not. Many times employees in a shop may take an opportunity of working in one shop and if they feel that they can do better than that in another shop they will go out and put in a day's work in another shop to see how they like it and then they may come back the next day and finish up the work here before they start in in the new shop. You have no way of controlling or of finding out whether they have done that.

Mr. BUSIEK. What is the idle period for garment workers?

Mr. KELLY. The total you mean, or months per year?

Mr. BUSIEK. Well, no; I mean the total length of time they can not work even if they want to work.

Mr. KELLY. Well, there is a percentage of them that can not. There is a period of at least 35 or 40 weeks that there is work for a large percentage. While a proportion may be reduced, I would say that, with a fair proportion of idle months, they would have 35, 36, or perhaps 38 weeks in the year.

Mr. BUSIEK. What proportion of them would be idle that length of time?

Mr. KELLY. Well, now, I can only give you the ratio of my own shop. I would run down possibly from 60 to 12 or 14. Some shops might run heavier than that. That would be in the ratio of about 20 per cent that would be employed during those periods.

Mr. BUSIEK. And 80 per cent idle?

Mr. KELLY. And 80 per cent idle. That is in my shop. I can not speak for others.

Mr. BUSIEK. I suppose those conditions prevail pretty generally?

Mr. KELLY. No; there are some shops where the seasons run longer.

Mr. BUSIEK. Any that run shorter?

Mr. KELLY. Hardly; because I make no summer goods, and that is a long season from the time the spring season ends until you start in on your fall goods.

Acting Chairman WEINSTOCK. Will you report back at 2 o'clock, Mr. Kelly?

Mr. KELLY. Yes, sir.

Acting Chairman WEINSTOCK. The hearing stands adjourned until 2 o'clock.
(Thereupon an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 O'CLOCK P. M.

Mr. BUSIEK. Will Mr. Kelly please resume the stand?

TESTIMONY OF MR. WILLIAM A. KELLY—Continued.

Acting Chairman WEINSTOCK. Had you finished with Mr. Kelly?
Mr. BUSIEK. I had, Mr. Chairman.
Acting Chairman WEINSTOCK. Any questions, Mr. O'Connell?
Commissioner O'CONNELL. Mr. Kelly, I understood you to say that some of the work in your factory was let by contracts to certain persons in the factory?
Mr. KELLY. The skirt making and the pressing are done by two men in charge whom I term as contractors.
Commissioner O'CONNELL. Now, do they employ the people who work for them?
Mr. KELLY. They do.
Commissioner O'CONNELL. They do not come in your office seeking employment?
Mr. KELLY. No.
Commissioner O'CONNELL. But are employed directly by the contractors?
Mr. KELLY. Are employed directly by the contractors.
Commissioner O'CONNELL. They pay them?
Mr. KELLY. They pay them.
Commissioner O'CONNELL. And they make the rates——
Mr. KELLY (interrupting). We supervise the rates.
Commissioner O'CONNELL. You supervise the rates paid?
Mr. KELLY. Yes, sir.
Commissioner O'CONNELL. The rate, then, is arranged between you and the contractor that he should pay the employee?
Mr. KELLY. A fair proportion for making the garments. We pay the contractor a certain price and we see that he pays the operators that work for him a fair price for making them.
Commissioner O'CONNELL. How many people do you employ at your factory, Mr. Kelly?
Mr. KELLY. I have employed as high as 80 to 90; but ordinarily I would say 60 to 65.
Commissioner O'CONNELL. How many are you employing now?
Mr. KELLY. Less than two dozen. Business is very dull now.
Commissioner O'CONNELL. Approximately, what is the earnings of the men in your service—in your factory?
Mr. KELLY. As I stated before, I took from the records of men that had made eight coats per week or more—there is no record kept of the time in which they work, there is no clock for them to punch—and we consider that men who work under that do not work a full week, or only work a portion of their time. But of the men that made eight garments or more—nine or more—their average earnings from July, 1912, to November, 1912, averaged over $26 a week for the coat operators and twenty-five dollars and odd cents for the skirt operators. That was a period straight through from July until the end of November.
Commissioner O'CONNELL. Well, that is a very short period, isn't it?
Mr. KELLY. That is five months, because the fall season would be over at that time, and you would be working part of your help making the spring samples.
Commissioner O'CONNELL. Now, in the slack season of course, the number of workers is largely reduced; but do those who are employed make about that same earning?
Mr. KELLY. Oh, no. Their slack season really starts in around November. They would average—in a slack season it would depend on the number that came in for work; that is, the number—there are a number of them who take positions in other houses where they are busy. There may be other houses that are working longer or working on the increased work or that have other orders, and the consequence is they may migrate from one shop to another, and those that come in, we give them a share of the work, so that it is very indefinite the amount that they will average. It may be that one man only puts in one day in the week at a shop, yet if he has been an operator during the season you would give him a share of the work then and there.

Commissioner O'CONNELL. Doesn't the slack season affect all employees alike? Aren't their periods of business the same during the year?

Mr. KELLY. No; there are some men making some classes of work that may work until the latter part of December. I have known them to be working on fall goods clear up until February and March, where others, say, are starting in on the spring suits. December and January ordinarily would be somewhat slack.

Commissioner O'CONNELL. Can you give us any idea as to what the annual earnings of a journeyman coat maker, for instance, would be during the year?

Mr. KELLY. That would be problematical, absolutely; it would be guesswork.

Commissioner O'CONNELL. Well, a guess; what would it be?

Mr. KELLY. I would say that the average mechanic working by the year will average between $850 and $1,000 a year, at the least. Eight hundred and fifty dollars is a minimum. Now, I am giving you the experience of the help that I have had, regardless of the attitude of the audience here.

Commissioner O'CONNELL. Well, the audience would not sway the opinion of this commission.

Mr. KELLY. Not a particle; no influence whatever.

Commissioner O'CONNELL. Well, do you employ female help?

Mr. KELLY. A percentage of them; possibly 14—12 or 14 at times, maybe 16.

Commissioner O'CONNELL. What would you approximate the earnings annually for a first-class lady employee?

Mr. KELLY. You can't hold them permanently. What I mean to say, they go from one shop to another one, quite a few, and any of those I have had permanently, they have been working for me three, four, or five years with me, I would say a finisher, they come under the head of finishers, there are no female operators, and a finisher would average from $8 to $9.50 and $10.

Commissioner O'CONNELL. Are there many instances of accidents in the clothing trades?

Mr. KELLY. None whatever that I know of. I never had but one myself.

Commissioner O'CONNELL. What was that, for instance?

Mr. KELLY. Then a man who could not talk English insisted upon getting under his machine to adjust a strap there when I have a man to attend to all adjustments of machines, and he got his shirt torn off his back. That is some years ago. But he had no business adjusting the belt at all. He had no business getting under the machine.

Commissioner O'CONNELL. Was he injured physically?

Mr. KELLY. No. Scratched on the back. That is the only accident I have knowledge of. There are minor accidents, such as a man at a machine may possibly get his finger under the needle, or something of that kind; but they are trivial accidents; they seldom occasion loss of time.

Commissioner O'CONNELL. How many nationalities are there among your employees?

Mr. KELLY. Principally two.

Commissioner O'CONNELL. What are they?

Mr. KELLY. Russian, and some few Italians.

Commissioner O'CONNELL. That is the Russian Jew, is it?

Mr. KELLY. Yes, sir.

Commissioner O'CONNELL. And the Italians?

Mr. KELLY. Yes, sir.

Commissioner O'CONNELL. Are the Italians very largely coming into the clothing trade here?

Mr. KELLY. Not to any extent.

Commissioner O'CONNELL. Do they speak English, as a rule?

Mr. KELLY. As a rule; yes.

Commissioner O'CONNELL. If they don't speak English, what then?

Mr. KELLY. I haven't met that class of people in my line.

Commissioner O'CONNELL. I am going to leave to Mr. Chairman Weinstock the question about the grievances, and so on, and the protocol. That has had some attention in other cases. Now, as to associations. Do you keep anything in your association files like an index card record of the employees in the various factories in the city?

Mr. KELLY. No, sir.

Commissioner O'CONNELL. Do the employers report to your office the names of men who are considered exceptionally active in unionism?

Mr. KELLY. They do not.

Commissioner O'CONNELL. Have you a record on file of the various cases of assault, and all that sort of thing, tried during this recent strike?

Mr. KELLY. We have not. There is one of the attorneys has a list of the cases.

Acting Chairman WEINSTOCK. You were telling us, Mr. Kelly, that when your shop was unionized you had what was called a price committee?

Mr. KELLY. A price committee; yes, sir.

Acting Chairman WEINSTOCK. Will you please explain just why that price committee was organized, and what its limitations were?

Mr. KELLY. That price committee was selected from among the hands that after——

Acting Chairman WEINSTOCK (interrupting). By whom?

Mr. KELLY. From among the hands in the shop, the operators; after the samples were made some of the price committee worked on samples and others did not; and they would select the committee of four or five for to go over the samples, garment for garment, and put a price for operating on that garment.

Acting Chairman WEINSTOCK. Well, the price committee, then, was composed of how many representatives of the workers?

Mr. KELLY. Possibly five, and as low as three. It was up to those who selected them.

Acting Chairman WEINSTOCK. They themselves selected them?

Mr. KELLY. Yes; we have nothing to do with it.

Acting Chairman WEINSTOCK. Now, what voice did you have in the making of the price—the employer?

Mr. KELLY. They would suggest the price. It was simply up to them to make it; and, if we felt it was too high, it was a matter of argument to try and adjust it on the basis of other garments we were making.

Acting Chairman WEINSTOCK. Supposing you could not agree, what happened?

Mr. KELLY. We simply had to agree.

Acting Chairman WEINSTOCK. There was no third party to whom you could submit the matter?

Mr. KELLY. We had to agree, for my people were all a unit in that matter; they were all members of a union. At that particular time the union had made no progress; they were not elated with any prospective power they were going to get. We never had any agreement, but we knew they were union members, and we knew, furthermore, that if a man came into the shop and our foreman took him on, if he was not a union member they would notify us he could not work there; that he would have to join the union. He had one week's time in which to either join the union or he would have to get out.

Acting Chairman WEINSTOCK. You never entered into a formal written agreement with your employees at that time?

Mr. KELLY. Never until after the strike was declared. Never signed a paper; never even was asked to sign it.

Acting Chairman WEINSTOCK. What grievance, if any, Mr. Kelly, did the workers have at the time of the strike?

Mr. KELLY. It was not a case of grievance as much as it was instigated by out-of-town officers and agitators of unions from New York, by Mr. Rosenberg and Mr. Polokof, and Mr. Deutsch, who represented the New York association, who came over here. I think they started in in the month of February, informing the people here that they were not working under sanitary conditions; that they were not getting paid enough for the work; and they were virtually human slaves.

Acting Chairman WEINSTOCK. You say that, in your opinion, it was not grievances so much as it was outside agitation?

Mr. KELLY. Outside influence brought to bear.

Acting Chairman WEINSTOCK. Were there any grievances, so far as you know?

Mr. KELLY. Not that I know of. I had none. I had even my price list signed up for the season, so far as my samples had gone.

Acting Chairman WEINSTOCK. So that, to the best of your knowledge and belief, the strikers at the time of the strike had no real grievance?

Mr. KELLY. Not to my knowledge.

Acting Chairman WEINSTOCK. Then, from your point of view, they struck without cause?

Mr. KELLY. They struck because the proposition was put up to them in such a way that this would be finished; that they would be backed up by the New

York organization. I only know this from my own people, because for four weeks they worked after the strike had been declared, when they said they were guaranteed that after two weeks that every man on strike would be paid $15 per week, and they thought that was a pretty good inducement to get more easy money and be guaranteed that much for doing nothing.

Acting Chairman WEINSTOCK. Again, I take it, you feel that they had no grievance; there was some inducement offered by somebody to strike?

Mr. KELLY. No, sir. The local industry was very much satisfied.

Acting Chairman WEINSTOCK. And if they claimed to have a grievance, in your opinion, those were not real grievances, but manufactured grievances?

Mr. KELLY. Yes, sir.

Acting Chairman WEINSTOCK. Artificial grievances?

Mr. KELLY. Possibly.

Acting Chairman WEINSTOCK. Will you tell us something more, Mr. Kelly, about this violence in the strike? Who was guilty of it and what led to it, and so forth?

Mr. KELLY. At the beginning of this strike there was a man by the name of Abe Mitchell—I don't know whether he is in this room or not—he was vice president of the federation of labor in New York, who was brought over here to manage the strike, as I understood it. The local representative of it was Max Amdur, who is sitting back of me; and when the strike was started there were different halls selected in which the different shops were to congregate each day and receive what information they could and be assigned for picket duty, and so on, from those shops. This man Mitchell made his headquarters, if I am right as regards to the location, at 424 Pine Street. The main hall wherein Max Amdur seemed to hold forth most of the time was at 1024 Lombard Street. People who wanted to go to work or that went to work were solicited to come to those halls, and they would talk it over with them and persuade them not to go to work; stay out with the others; not to take the bread out of their mouths. There were in the hall at 1024 Lombard Street innumerable assaults that were committed on men taken down there that refused to stop work. They were assaulted there; some of them even had to jump out of the windows over into an outbuilding standing there and escape through the cemetery, a lot that was attached to it. Lots of those men still wore marks long after the strike was started of the assaults committed on them in those rooms. They were held there waiting for those in authority to come and talk to them, and if they still remained obdurate they would be assaulted by people, but by such numbers that they didn't know to whom to attribute the assault. Any number of them were assaulted leaving their homes in the morning and going back at night. Those that wanted to work had to be escorted to and from the factories. A number of the manufacturers were compelled, in order to make work and to accede to the wishes of their hands, if they would only start a factory out of town they were willing to work for them; they were not in sympathy with it. Factories were started in different parts of this State and in different parts of New Jersey, and work done in innumerable places in New York. They had factories running at Vineland, Bluefield, I think at Ridgeton, Red Bank, Newark, Lansdale, Pa., Reading, Pleasantville, and in Brooklyn.

Acting Chairman WEINSTOCK. Tell me, Mr. Kelly——

Mr. KELLY (interrupting). With the hands that were on strike going into those factories to work.

Acting Chairman WEINSTOCK. How many strikers were there in all?

Mr. KELLY. We only had the numbers which they claimed in the newspapers—in the neighborhood of 5,000 people.

Acting Chairman WEINSTOCK. Five thousand strikers, about?

Mr. KELLY. Some of the papers claimed that.

Acting Chairman WEINSTOCK. How many of the workers continued at work and refused to go on strike?

Mr. KELLY. Not 100 in Philadelphia, for fear of bodily harm.

Acting Chairman WEINSTOCK. So that the plants were practically shut down during that period?

Mr. KELLY. Some of them; yes, sir; for the time being. Some tried to start up afterwards, and had to have guards to take the people to and from work, some living in factories, some living there, and some did not leave the factories for over four weeks.

Acting Chairman WEINSTOCK. If there were only 100 remained at work out there——

Mr. KELLY (interrupting). At the start; later on it increased.

Acting Chairman WEINSTOCK. There was a statement that there were 400 assaults. Would that mean that every worker, on an average, was assaulted four times?

Mr. KELLY. No, sir; I said they were 4,000. Those assaults were all during the strike of six months.

Acting Chairman WEINSTOCK. I see.

Mr. KELLY. And if any man expressed an intention of going back to work that man was either assaulted on the highway or otherwise. As Mr. Bernstein stated on the stand, about them starting at one time on the designers, there was a large manufacturer whose business was on Third Street, and he returned from Pittsburgh, and was coming home, and lived in the location near one of the designers of the manufacturers; that man was waylaid in the neighborhood of Thirty-second and Montgomery Avenue and slugged and left lying in the street.

Acting Chairman WEINSTOCK. To the best of your knowledge and belief, by whom were those assaults committed, by the strikers themselves?

Mr. KELLY. At the start of the strike there was very little violence from the workers. There were some apparently sluggers that had committed violence on people that were at work, and among the others one of them that was arrested in one of the assaults committed downtown was this man Dopey Benny, or Benny Fein, who, with others, committed an assault on workers who had been to work, and was arrested for it, and that man is now serving an indeterminate sentence from three and a half to five years for violence committed on a policeman lately.

Acting Chairman WEINSTOCK. Was he on a strike?

Mr. KELLY. In no way connected with it. An East Side gangster.

Acting Chairman WEINSTOCK. In conversation, not a great while ago, Mr. Kelly, with Mr. Robert Hunter, who is the author of a book called "Violence in Labor Troubles," he made this statement, and I want to see how far it is correct from your experience—he made the statement that, in his opinion, the chief cause for violence in labor troubles was the employment on the part of the employers of the detective agencies. His statement was to the effect that these detective agencies, in order to make business for themselves, followed substantially this program: They would go to an employer who was about to have a strike, or who did have an incipient strike, and they would persuade him to employ two or three of their men. At the same time they would get two or three of their men into the union as alleged workers. That these detectives who would become union members would then incite the unionists to violence, and having incited them to violence they would go to the employer and point out to him that, as a matter of self-protection, he must employ more men, and in that wise create more business for themselves, and that it was in their interest to keep up as much turmoil and as much violence as possible. Now, would that statement apply in any way to the conditions prevailing in your troubles?

Mr. KELLY. Absolutely not.

Acting Chairman WEINSTOCK. Absolutely not.

Mr. KELLY. We refused to employ any detective agency or any person of any kind to bolster them up to enter the union for information. We positively refused to employ anyone to agitate or foment trouble. What we did with them was to have them escort people to and from their places of work when they wanted to work.

Acting Chairman WEINSTOCK. I see.

Mr. KELLY. And for no other purpose.

Acting Chairman WEINSTOCK. If, then, the violence that was committed, Mr. Kelly, if it was committed it was initiated entirely on the other side?

Mr. KELLY. There was people assaulted who wanted to work for a living. I have here to submit to you—there is a photograph of a man who, after being 14 weeks on strike, declared that his three children were starving and he was going back to work. That man, the day he made that remark, at 11.30 a. m., was assaulted in broad daylight, at the corner of Eleventh and Cherry, and within—the man was brought to me, and that is the condition that man was in [exhibiting photograph].

(The photograph was marked "Kelly Exhibit 1, June 30, 1914.")

Acting Chairman WEINSTOCK. Did he know by whom he was assaulted?

Mr. KELLY. He did not. He was walking down the street with another man.

Acting Chairman WEINSTOCK. And I take it, Mr. Kelly——

Mr. KELLY (interrupting). And numbers of them bear marks from blackjacks and bricks wrapped up in paper.

Acting Chairman WEINSTOCK. I take it you keep yourself pretty welll informed on industrial matters generally and economic matters, and do not narrow yourself down to your particular business and restrict yourself to that, but are familiar with the fact that there is a very considerable industrial unrest throughout the country. Now, for the information of the commission, Mr. Kelly, will you tell us from your point of view, what, in your judgment, are the causes for the industrial unrest, and what, in your opinion, are the remedies?

Mr. KELLY. Well, to my mind, a lot of it is caused by business depression throughout the country. That is accountable for a lot of it. There are a lot of laws being enacted and a lot of laws brought up to be passed simply as a sop to labor. Politics to-day is catering too strongly to the labor proposition. They are not doing justice to labor by doing it; they are only mitigating the offenses for the time being. It is only a partial help. There is nothing permanent to it, and any help that is only temporary will never prove profitable to labor, as it is an acknowledged fact that all these laws passed only influences labor, and labor don't look beyond the surface, and they are satisfied with the surface of it and they are not digging deep enough into it.

Acting Chairman WEINSTOCK. I see. Now, Mr. Kelly, you mean that in order to throw a sop to labor for political purposes is the purpose of a good deal of the labor legislation enacted, and not from any real interest in labor?

Mr. KELLY. And no practical help for our injuries.

Acting Chairman WEINSTOCK. Now, will you be kind enough to point out some of this sort of legislation that you have in mind? Will you specify?

Mr. KELLY. It would be hard for me to do it.

Acting Chairman WEINSTOCK. Well, if there is a lot of it there ought to be no difficulty in instancing some of it?

Mr. KELLY. Well, there was one law, I think, introduced by Representative Rooney, in the State legislature here, in regards to labor and influencing their troubles, settling their troubles in regard to the State labor laws, for a commission to be appointed to adjust the differences. Yet he as well as others knew at the time that that law was advanced that there was nothing compulsory to make either side submit to it, and consequently the law was purely a plum thrown to labor without being possible to derive any benefit from it.

Acting Chairman WEINSTOCK. You say the law was passed?

Mr. KELLY. Yes. Well, this commission comes, and it is their duty to tender their services to mediate or arbitrate; but their duty ends there, and there is no further power. That law is entirely of no use to labor.

Acting Chairman WEINSTOCK. I see; that law has been enacted and is now on the statute books.

Mr. KELLY. That is where Mr. Jackson and the others attempted to come here and interfere——

Acting Chairman WEINSTOCK (interrupting). They did offer their services, but they were not availed of.

Mr. KELLY. Nothing came of it. The law of the State is that they shall tender their good services.

Acting Chairman WEINSTOCK. Now, do you think that law was passed in the aid of industrial peace, in the hope that it might lead to industrial peace, or do you think it was just done as a sop to labor?

Mr. KELLY. Passed as a law for the benefit of labor to show what they are doing for labor, when they have done nothing.

Acting Chairman WEINSTOCK. Well, did labor, during this recent trouble—was labor prepared to avail itself of the services of that board?

Mr. KELLY. Yes; because it was an incomplete service.

Acting Chairman WEINSTOCK. Then I am to understand, Mr. Kelly, from your point of view that the powers of that commission—I suppose it is a labor commission?

Mr. KELLY. State labor commission.

Acting Chairman WEINSTOCK. That that commission should have compulsory power?

Mr. KELLY. No; I did not say that.

Acting Chairman WEINSTOCK. Well, what power would you give them, then?

Mr. KELLY. Until you get labor on a better foundation, where they have a financial and moral standing, there can be no legislation compulsory unless both sides would be compelled. To-day your labor is not financially responsible.

The acts that were committed in the last strike—there was mention made some time during this hearing in regard to injunctions against labor strikes, as we were situated in Philadelphia, you could spend your time and money and go into court and get an injunction, and that strike committee could resign, and they were out of the reach of the courts, and another committee could be appointed in their place.

Acting Chairman WEINSTOCK. Well, I am a little bit confused on this point, Mr. Kelly. Let me see if I can straighten myself out mentally on the matter. First, I understood you to say that this legislation that was passed was not passed in sincerity?

Mr. KELLY. I say there was no completion. The powers were limited. There was nothing final.

Acting Chairman WEINSTOCK. Because of the fact that it was done as a sop to labor?

Mr. KELLY. It appeared so.

Acting Chairman WEINSTOCK. Therefore you criticized it?

Mr. KELLY. Because there is nothing complete to it.

Acting Chairman WEINSTOCK. Very well. Now, since that commission has no power beyond merely to tender its services——

Mr. KELLY (interrupting). Merely offering their services.

Acting Chairman WEINSTOCK (continuing)——and since you believe that that is of no value, and since you further believe that under existing conditions a committee with compulsory powers would not be available or desirable, what would you suggest?

Mr. KELLY. Well, compulsory arbitration is never satisfactory.

Acting Chairman WEINSTOCK. Well, if voluntary arbitration does not do any good and compulsory arbitration is not satisfactory, then what——

Mr. KELLY (interrupting). No matter how just the arbitration might be, under this State law neither side could be compelled to accept its dictates.

Acting Chairman WEINSTOCK. Very well. Then we will throw out of the game the voluntary proposition and we will throw out of the game the compulsory proposition. Then what have you to offer? What function, if any, should the State perform in industrial disputes?

Mr. KELLY. That is a question I can not answer offhand; but whatever commission has got good in it, it has got to be a commission on the order of your own honorable commission, where it is devoid of politics, where politics don't cut any figure.

Acting Chairman WEINSTOCK. You mean that politics has been too much involved here in the State?

Mr. KELLY. I mean here in the city there was local—politics was the means of carrying that strike on. When people were arrested for the strike one man in this town left the book open for security for bail to be used up to the sum of, I think, $50,000; no matter what charge they were brought in on, his bail bond was acceptable. Nothing but a political game, because he was one of the local politicians.

Acting Chairman WEINSTOCK. You think he did that simply as a bid for the labor vote?

Mr. KELLY. He lived in that section. His constituents were there.

Acting Chairman WEINSTOCK. Well, then, what is your remedy, Mr. Kelly, for industrial troubles? How would you bring about a higher degree of industrial peace and more cordial relationship between the employer on the one side and the worker on the other?

Mr. KELLY. Well, in the first place you have got to realize that in this trade we have an absolutely different element from what you have in any other, and while a lot of them are not familiar with English, or not well versed in English, they can be wielded for good or bad, and it is up to those that have them in charge whether those people's minds can be turned to good or bad. And with the leadership as expressed in the last strike and the manner in which they were encouraged and taken care of in the assaults committed—and I will say without hesitation that the bulk of the people in the trade are of Jewish extraction—and when a man so far forgets himself that they will turn out and go to the synagogues, which they did last year, on the two main holidays of the Jewish year, when there is no holiday as sacred as the day of atonement, Yom Kippur, and Rosh Hashonah—I say such leadership that make those people forget their entire manhood altogether as to go there and assault men at these synagogues, because there is no days as sacred to the Hebrew as the day of atonement and the new year. And we had seven syna-

gogues where there were assaults committed on the day of atonement and Rosh Hashonah.

Acting Chairman WEINSTOCK. You say that these strikers then, instead of being led, were being misled?

Mr. KELLY. Absolutely misled.

Acting Chairman WEINSTOCK. And you hold the leaders absolutely responsible for results?

Mr. KELLY. Absolutely responsible for misleading and misguiding them.

Acting Chairman WEINSTOCK. You were here this morning and heard Mr. Bernstein when he was on the stand?

Mr. KELLY. Yes, sir.

Acting Chairman WEINSTOCK. And heard the discussion about the protocol in New York?

Mr. KELLY. Yes, sir.

Acting Chairman WEINSTOCK. You probably have studied it?

Mr. KELLY. I have not studied it.

Acting Chairman WEINSTOCK. You are familiar more or less with its general provisions?

Mr. KELLY. Somewhat.

Acting Chairman WEINSTOCK. In your opinion how would that protocol fit into Philadelphia conditions?

Mr. KELLY. Not at all.

Acting Chairman WEINSTOCK. Where would it fail?

Mr. KELLY. In the first place the manufacturing of women's garments in New York is on an entirely different basis from Philadelphia. In the first place in Philadelphia we use the tailors at the machines mostly. The finisher is of secondary consideration. They fell in the linings and baste in the sleeves. In New York the finisher is the main one and the tailor is of secondary consideration. It is the tailor they employ does the basting and stitching of the garments and all, and he gets his finisher.

Acting Chairman WEINSTOCK. He is a sort of special contractor?

Mr. KELLY. To that extent. He is part of that constructive team. And while the protocol has worked to a fair advantage to many of the larger manufacturers, the smaller and the intermediate manufacturers are the ones that have been working to a disadvantage under it. And another thing to consider, in New York they have a large number of what they term to-day subway contractors—men who start up shops and manufacture for the larger cloak and suit houses. They will furnish them with the merchandise at a price and lining at a price and give them a pattern to make up sample suits, and they will tell them the price of that merchandise and the price of the linings, and say: "Now, submit us a price for making that suit." They have shops scattered all over in different sections. They submit a price and if it is agreeable it is given to them to cut, make, and return the complete suits. There are any number of those in New York City. There are none that I know of working under those conditions in Philadelphia. In Philadelphia it is a different proposition. He makes the work that is already cut and trimmed.

Acting Chairman WEINSTOCK. Well, could not the principles involved in the protocol be modified to suit the Philadelphia conditions?

Mr. KELLY. Not that I could say offhand. They are having trouble over there constantly. In fact now the I. W. W. have injected themselves into labor conditions in New York now, and they are furnishing help to manufacturers there that have any trouble with the Federation of Labor; and between the two of them it is rather deplorable as to what may happen.

Acting Chairman WEINSTOCK. Was this strike that you have been telling us about declared off at any time?

Mr. KELLEY. It was voted off at the Arch Street Theater.

Acting Chairman WEINSTOCK. How long ago?

Mr. KELLY. On the 29th of December they voted to return to work.

Acting Chairman WEINSTOCK. Six months then?

Mr. KELLY. Six months after.

Acting Chairman WEINSTOCK. Have you had industrial peace in the industry since then?

Mr. KELLY. No trouble whatever.

Acting Chairman WEINSTOCK. Is there any unrest among the workers, so far as you know?

Mr. KELLY. No; only that there is not enough work for them.

Acting Chairman WEINSTOCK. Have they any grievances so far as you know?

Mr. KELLY. Not at all; never hear of any. Perfectly satisfied. Their grievances are that they can't review the past better.

Acting Chairman WEINSTOCK. Now, have you any suggestions, Mr. Kelly, as an employer and citizen having at heart the welfare of the country as a whole; have you any suggestions to make to this commission that would be likely to be to it helpful in its endeavor to solve the problems that have been placed on our shoulders?

Mr. KELLY. I don't know that I can enlighten you much on that, except that I feel, as I say, we have had to take our labor union from the standpoint we come in contact with it. Put your labor unions in better hands—more honorable hands—with better standards, where, instead of them paying people who were formerly good, quiet workmen to go out and do bodily harm to people and then remunerate them, they will have a better class of men, where if they attempt to do any wrong they can be held responsible. To-day after this trouble there is no other way. And it is simply impossible to get any man to come out in the open and declare himself for fear what might happen to him. They are afraid of violence from others.

Acting Chairman WEINSTOCK. In other words, your message to the workers substantially is this: Select honest, capable, law-abiding leaders, and refrain from violence. Is that correct?

Mr. KELLY. It is to first get their institution on a solid basis, where it has some legal standing, then get honorable men at the head of it. Too many business agents and too many emissaries on paid salaries are more detrimental to labor to-day than any other cause, because the more strife that they can generate the more employment it gives them, and the consequence is the safer it makes their position. Remove these emoluments, remove these paid positions, and you will have much less trouble with labor.

Acting Chairman WEINSTOCK. Thank you, very much, Mr. Kelly.

TESTIMONY OF MR. MAX AMDUR.

Mr. BUSIEK. Your name in full, please.

Mr. AMDUR. Max Amdur.

Mr. BUSIEK. And your occupation?

Mr. AMDUR. I am the business agent of the cloak and skirtmakers' union of Philadelphia.

Mr. BUSIEK. How long have you been such business agent?

Mr. AMDUR. Six years.

Mr. BUSIEK. Were you employed in the industry here in Philadelphia prior to that time?

Mr. AMDUR. Yes.

Mr. BUSIEK. For what length of time?

Mr. AMDUR. Five years.

Mr. BUSIEK. How long has there been such an organization in Philadelphia?

Mr. AMDUR. Eight years.

Mr. BUSIEK. How many members have you now, approximately?

Mr. AMDUR. Approximately about 3,000.

Mr. BUSIEK. Approximately 3,000?

Mr. AMDUR. About 3,000.

Mr. BUSIEK. How many men are there in your craft in Philadelphia?

Mr. AMDUR. We had 6,500 on our books during the time of the strike.

Mr. BUSIEK. Six thousand five hundred during the strike?

Mr. AMDUR. Yes.

Mr. BUSIEK. Was that practically all the garment workers in Philadelphia?

Mr. AMDUR. Yes; all in Philadelphia.

Mr. BUSIEK. About how many of those are women?

Mr. AMDUR. About 1,400 or 1,500.

Mr. BUSIEK. What is your board of control of this union?

Mr. AMDUR. Executive committee of each local and a joint executive board composed of all locals.

Mr. BUSIEK. Of whom is the joint executive board composed?

Mr. AMDUR. Out of members of each local. We have three local unions.

Mr. BUSIEK. Name the locals.

Mr. AMDUR. Local No. 2, Local No. 53, and Local No. 69.

Mr. BUSIEK. Well, is the craft divided into pressers, cutters, and finishers?

Mr. AMDUR. No; it is divided into finishers, cutters, and pressers; operators have one union; and tailors have one local—that is Local No. 2.

Mr. BUSIEK. There are three locals?

Mr. AMDUR. Three local unions.

Mr. BUSIEK. There is a joint board composed of delegates out of those three locals?

Mr. AMDUR. Yes.

Mr. BUSIEK. What is the average wage of a cutter in Philadelphia?

Mr. AMDUR. Average wage?

Mr. BUSIEK. Yes.

Mr. AMDUR. Well, I may say not more than $9 or $10 per week.

Mr. BUSIEK. What is the average wage of a tailor?

Mr. AMDUR. Something like $10—from $10 to $12.

Mr. BUSIEK. What is the average wage of a finisher?

Mr. AMDUR. Not more than $6 to $7.

Mr. BUSIEK. How many salaried officers has your union?

Mr. AMDUR. Two—myself and a secretary.

Mr. BUSIEK. Are you affiliated with the American Federation of Labor?

Mr. AMDUR. Yes.

Mr. BUSIEK. What is the name of the parent body?

Mr. AMDUR. International Ladies' Garment Workers' Union.

Commissioner O'CONNELL. From the officers of the manufacturers' association here, that appeared here, you heard their evidence this morning and afternoon?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. The principal accusation expressed as to the agreement presented by your organization in connection with the strike was the matter of the shop chairman?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Now, will you, for the benefit of the commission, tell just what your shop chairman is supposed to be or do, or what powers he has?

Mr. AMDUR. The shop chairman has no powers whatsoever, the only exception being that he is to bring the workers in the shop to the manufacturer and the employer and adjust the grievance if possible; and if not—if he can not adjust it—bring it over to the union.

Commissioner O'CONNELL. Well, is the committee in the shop composed of one, just the shop chairman, or is there a grievance committee composed of three, four, or five?

Mr. AMDUR. No; there is only one.

Commissioner O'CONNELL. Just one in each shop?

Mr. AMDUR. Yes. In a few other shops we had a shop committee, what we called. They were composed of three. There was a shop chairman and two assistants.

Commissioner O'CONNELL. Well, in a shop employing, say, half a dozen different departments, like pressers, cutters, and all that, is there a shop chairman in each of those departments?

Mr. AMDUR. No; there is only one.

Commissioner O'CONNELL. One chairman in the whole plant?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. And if an employee feels that he is not getting the proper price for his work, he has the shop chairman take it up with his employer for him?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. In other words, he is the attorney for the worker?

Mr. AMDUR. For the employees in the shop.

Commissioner O'CONNELL. Does he get any salary other than that which he makes in the shop?

Mr. AMDUR. No.

Commissioner O'CONNELL. And he is not one of the high-priced employees of the union?

Mr. AMDUR. No.

Commissioner O'CONNELL. What is your salary?

Mr. AMDUR. $25 a week.

Commissioner O'CONNELL. You look after the entire business of the organization in Philadelphia?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. At $25 a week?
Mr. AMDUR. Yes.
Commissioner O'CONNELL. What did you make when you were in the shop?
Mr. AMDUR. I made something like $22, $25 in the season; of course, in slack time I made a little less.
Commissioner O'CONNELL. And financially your position has not been very materially improved?
Mr. AMDUR. Not at all; in fact, it is a little worse for me now, being a paid officer of the union, than when I was a workingman in the shop, on account I have more expenses, and so on.
Commissioner O'CONNELL. And you have more bosses?
Mr. AMDUR. And I have more bosses; that is natural.
Commissioner O'CONNELL. Now, as a practical man, having worked in the shop and at the trade, you are what?
Mr. AMDUR. I am a skirt maker by trade.
Commissioner O'CONNELL. Skirt maker?
Mr. AMDUR. Yes, sir.
Commissioner O'CONNELL. That is, ladies' skirts?
Mr. AMDUR. Ladies' skirts.
Commissioner O'CONNELL. How were the prices set, for instance, when you worked at the trade for making skirts?
Mr. AMDUR. Between a committee of the employees with the employer.
Commissioner O'CONNELL. That was in what would be called a union shop, was it?
Mr. AMDUR. Yes, sir; it was not a union shop which we may say we have union agreements with, but it was——
Commissioner O'CONNELL. The employers recognized the men?
Mr. AMDUR. The employers recognized the men; yes, sir; as union men.
Commissioner O'CONNELL. And dealt with them collectively?
Mr. AMDUR. Yes, sir.
Commissioner O'CONNELL. In that case the price was made between the employer and the men?
Mr. AMDUR. Yes, sir.
Commissioner O'CONNELL. Mutually agreed upon?
Mr. AMDUR. Yes, sir.
Commissioner O'CONNELL. A shop in which to-day they do not deal collectively with a man, how is the price made?
Mr. AMDUR. By the designer or by the employer.
Commissioner O'CONNELL. They set the prices?
Mr. AMDUR. Set the price.
Commissioner O'CONNELL. What does the employee have to say about the price?
Mr. AMDUR. The employer?
Commissioner O'CONNELL. The employee, the workman?
Mr. AMDUR. Nothing at all.
Commissioner O'CONNELL. Simply takes it?
Mr. AMDUR. Takes it, or if he doesn't like it, he can get some other job.
Commissioner O'CONNELL. And the job is given to some other workman?
Mr. AMDUR. Given to some other workman.
Commissioner O'CONNELL. If a workman continually objects to the price, and he is found to be what might be considered an objector, is he in employment usually?
Mr. AMDUR. Well, usually not, because, as a rule, since after the strike, if a manufacturer takes out an employee, he goes and first he is asking him where he is working before that strike, and he is telling him where. Of course, he calls up the manufacturer on the telephone right away, and is asking him about his record, and if the manufacturer by whom he was employed before says he was a kicker or asked for better prices, and so on, he can not get a position.
Commissioner O'CONNELL. You think the employers, then, furnish each other with the records of the employees?
Mr. AMDUR. Yes, sir.
Commissioner O'CONNELL. As to their unionism?
Mr. AMDUR. Yes.
Commissioner O'CONNELL. And their positiveness in demanding a better rate for their work?
Mr. AMDUR. Yes, sir. We have the figures to prove it.

Commissioner O'CONNELL. Do you think the manufacturers' association keeps any sort of record of the employees of the various firms?

Mr. AMDUR. I am not quite sure about having record of all employees, but they do keep a record of some of them, those who were more active and better union men, and so on.

Commissioner O'CONNELL. How was this strike brought about? How did you go about to try to bring about peace with employers, or an adjustment of your trouble? How were your grievances first presented?

Mr. AMDUR. Here is our agreement.

Commissioner O'CONNELL. Is that the same as Mr.—I forget his name—read this morning?

Mr. AMDUR. I guess so.

Commissioner O'CONNELL. The same agreement. How did you proceed to present that? Did you present it to each shop foreman, or how?

Mr. AMDUR. No, sir; in about the month of May our executive committee have made out this agreement with the demands. A meeting of all the members was called, and this was presented to them, whether they accept or they reject these demands, of if they have some to be amended, and this agreement was accepted at that meeting.

Commissioner O'CONNELL. Adopted by that meeting?

Mr. AMDUR. Adopted by that meeting; after that we called another meeting, and we have explained to our people that after they have adopted these demands we will have to vote whether they are willing to stand by these demands or not. In other words, if we will send out these demands to the manufacturers and they will not grant the demands, whether they will be willing to go out on strike to get these demands.

Commissioner O'CONNELL. Were the agreements mailed to the employers?

Mr. AMDUR. I will come to this.

Commissioner O'CONNELL. All right.

Mr. AMDUR. After this meeting we have announced a secret ballot, which all the members should vote, whether they are determined to get these demands or not; and 3,658 of our members have participated in that vote.

Commissioner O'CONNELL. Three thousand six hundred and fifty-eight?

Mr. AMDUR. Yes, sir; 3,000—something like over 3,000 have voted for a strike—that is, if the demands will not be granted.

Commissioner O'CONNELL. For the enforcement of the demand?

Mr. AMDUR. Yes, sir; something like 400 have voted against. Naturally, of course, we sent out this demand to the manufacturers after they struck. We have also sent out these demands—yes, after this vote has been taken we had another meeting, and have announced the result of the vote, and after the announcement of the result we have sent out a copy of this agreement with a circular letter to each and every manufacturer. If you want me to read that letter, I will read it for you.

Commissioner O'CONNELL. Is it a long one?

Mr. AMDUR. Not very.

Commissioner O'CONNELL. Well, just the substance of it.

Mr. AMDUR. The substance of it is that—

"Inclosed please find a circular letter containing the working conditions which the above union intends to carry into effect in the cloak and skirt industry in the city of Philadelphia and hope the same will form the basis of understanding between the cloak and skirt manufacturers and the union of this city for the coming fall season.

"It is needless to say that the unions are anxious to effect these changes with as little friction as possible and without loss or injury to the employers or employees or any dislocation in trade, yet at the same time the unions are determined at all hazards to employ all legitimate means for the purpose of effecting those proposed changes.

"In consideration of the concessions which we expect from you the union will assume the responsibility for the orderliness and good conduct of the members working in your shop and relieve you from any anxiety or apprehension or any stoppage of work in your factory after an understanding has been arrived at. This understanding will enable you to go quietly about your business without having the fear of any arbitrary action on the part of employees.

"In New York City, where the unions and——

Commissioner O'CONNELL (interrupting). Turn the letter over to the stenographer. We have got the drift of it.

Mr. AMUR. "We are sending you this here agreement, and we are giving you about a few days' notice to consider it and reply to the union, whether you are willing to accept these demands or not."

(The document was marked "Amdur Exhibit 1, June 30, 1914.")

(Amdur Exhibit No. 1, copies of the "Working conditions" and agreement, etc., was submitted in printed form.)

Commissioner O'CONNELL. How many replies did you receive from them, favorable or unfavorable?

Mr. AMDUR. Favorable, about 75 replies.

Commissioner O'CONNELL. Unfavorable?

Mr. AMDUR. We have not received any. Those we have received replies from were favorable to settle with the unions.

Commissioner O'CONNELL. How many of the firms did you settle with?

Mr. AMDUR. We have settled with about 85.

Commissioner O'CONNELL. Out of approximately how many?

Mr. AMDUR. Approximately, we have on our list 155 firms.

Commissioner O'CONNELL. Those are the firms that are both inside and outside of the manufacturers' association?

Mr. AMUR. Yes, sir; those are inside and outside of the association.

Commissioner O'CONNELL. Did you settle with any firms inside the manufacturers' association?

Mr. AMDUR. Yes, sir; one. With the vice president of the association, Mr. Bernstein.

Commissioner O'CONNELL. How many workmen does he employ?

Mr. AMDUR. About 75.

Commissioner O'CONNELL. About the average-sized employer?

Mr. AMDUR. One of the middle class of employers.

Commissioner O'CONNELL. As I understand it, this agreement was mailed to the various employers?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. And the committee mailed it, but it was not mailed to all?

Mr. AMDUR. On the 4th of July.

Commissioner O'CONNELL. Did you ask for any general conference or have any conference with the employers as a whole before the strike took place?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. Explain what that was.

Mr. AMDUR. We have had a conference, if I am not mistaken, on the 8th of July. We had a conference with five manufacturers present at that conference, and with a Mr. Rosenberg, president of the International Garment Makers' Union, who was also present. On the manufacturers' side was Mr. Bernstein, Mr. Krevis, his partner, Mr. Harris J. Cohen, Mr. Dittman, and Mr. Sacks, and Mr. M. Kremer, I think, about six. Mr. Harris J. Cohen was the chairman of that conference, and while the conference were opened, I have asked Mr. Harris J. Cohen whether those manufacturers are representing an association of manufacturers, or any other body, or whether they represent only themselves. The answer was that they do not represent anyone besides themselves. Those six come together and they want to go over with the representatives of the union whether they could—or, rather, to say they come together and want to go over with the representatives of the unions those demands that we have sent to them, and if the demands will be satisfactory to them, there may be a few others who will follow their action, but they do not represent anyone. This was the answer.

After conferring with them for about an hour we could not come together. About the home work, which the partner of Mr. Bernstein, Mr. Krevis, say that must go. Work home to the employees, they must give up work; we couldn't come together about the contracting system to be abolished; could not come together about the shop foremen, as Mr. Bernstein has said. But the main object is, we couldn't come together where there is one clause in regard to us, which reads that prices should be adjusted by a committee of the employees, together with the employers. On this particular point, which Mr. Bernstein, the president of the association have forgot to mention that, this was the main object of the workingmen which they wanted; in other words, the collective bargaining, and we couldn't come together on that. Those were the principal demands.

Commissioner O'CONNELL. Prior to that meeting, was there an invitation sent out to the employers to attend that conference?

Mr. AMDUR. No, sir.

Commissioner O'CONNELL. How was the conference brought about?

Mr. AMDUR. I don't know how it was brought about. We have sent to each and every individual this contract, and we have invited him and told him in this circular—I did not read it to you—we told him that if he wishes to meet a representative of the union in order to come to an understanding about these demands, we will be too glad to send you up one and adjust this matter; but at that time there was no association of manufacturers, and in a certain morning I had a phone call from the designer of Mr. Sacks Bros., by the name of Martin, who told me that a conference will take place in Mr. Kelly's office.

When I came over there it was about 12 o'clock, and we have tried to talk over the matter and we found it was absolutely impossible to talk over matters there in the office, and they have decided to call another meeting for the coming Thursday, and on that Thursday, the official conference, as you may call it, took place.

Commissioner O'CONNELL. Were there any means looking toward arbitration of your trouble, or conciliation, which prior to the time of the strike occurred?

Mr. AMDUR. Well, no arbitration—no, sir; we did not propose no arbitration to the manufacturers prior to the strike, only we told them we were ready to confer with them and try to settle it as soon as possible.

Commissioner O'CONNELL. I think it was Mr. Kelly who said, anyhow it was one of the gentlemen before us, that there had been a complete lockout, because neither would concede to submit the question of the shop chairman to arbitration. Was that the position of your union?

Mr. AMDUR. Was what?

Commissioner O'CONNELL. Both of you refused to submit the question of the shop chairman, both standing and maintaining that you would not submit that question to arbitration?

Mr. AMDUR. No, sir; it was never mentioned, anything, neither from the manufacturers nor from us as to arbitration prior to the strike.

Commissioner O'CONNELL. Did you ever refuse to submit the question of whether you should have a shop foreman or not to arbitration?

Mr. AMDUR. Yes, sir; we have submitted the entire matter after the strike was called, and Commissioner Jackson came over here from Harrisburg, and he proposed, first, mediation, and we have accepted, but the manufacturers refused.

Commissioner O'CONNELL. Did you say to Commissioner Jackson, for instance, "We will submit everything in this agreement to arbitration except the question of shop foremen"?

Mr. AMDUR. No, sir.

Commissioner O'CONNELL. Cut that out?

Mr. AMDUR. No, sir; the manufacturers refused mediation. Then he proposed arbitration, which we have accepted, and the manufacturers flatly refused.

Commissioner O'CONNELL. What are the wages the people earned, generally, in the trade?

Mr. AMDUR. Well, I have a list here of our figures, which was taken during the time of the strike. We have here about 300 names from about 10 or 12 different shops, and if the commission wants, I may offer them these lists.

Commissioner O'CONNELL. You can file that with us, if you will.

Mr. AMDUR. Yes, sir.

(The document was marked "Amdur Exhibit No. 2."

See Amdur Exhibit No. 2 under "Exhibits.")

Commissioner O'CONNELL. But if you will take half a dozen of each, like the cutters and pressers, pick them out haphazard?

Mr. AMDUR. Here I have Gerald & Kelly's shop. He has stated that his people are making $26 a week. Here we have it:

Harry Kravitz, nine years in the business, two years working for Mr. Kelly. The highest wages he ever made was $35 a week; the lowest wages he received was $1 a week; the average for the year makes $14. His business was an operator.

Here is Dave Deveris, 11 years in the business; went to work for Mr. Kelly; the highest wages he ever made was $27 per week; lowest, $1; average, $10 per week.

Commissioner O'CONNELL. What was he?

Mr. AMDUR. Man of five children.

Commissioner O'CONNELL. What was he, a presser?

Mr. AMDUR. Also an operator, tailor.

Here is Louis Soloff; six years in the business; five and a half years working for Mr. Kelly; the highest wages he ever made was $35 per week; the lowest, 90 cents; average, per year, $11.

Commissioner O'CONNELL. Was that for the year 1913 or 1912?

Mr. AMDUR. 1913.

Commissioner O'CONNELL. 1913?

Mr. AMDUR. Yes, sir.

Here is a man by the name of Herman Applebaum, seven years in the business; worked four years for Kelly; the highest wages he ever made was $18, for two weeks; lowest wages, 70 cents; the average is $5 per week.

Commissioner O'CONNELL. Go back to those men who made $35 a week. How many weeks in the year did he make that?

Mr. AMDUR. How years in a week?

Commissioner O'CONNELL. No; weeks in a year did he make $35?

Mr. AMDUR. It does not state how many weeks in a year he made $35, but we took his book and counted up how much money he made during this year, and just how much was the highest wages, and what it was the lowest, and we come to this, and we find this here $10 per week.

Commissioner O'CONNELL. Have you got any family—female labor in that list?

Mr. AMDUR. Yes, sir; no, sir; we haven't any female in that list, but we have in some other.

Here is Katie Keller, 2½ years in the business; 9 months worked for Mr. Kelly; highest wages she has ever made was $12 per week; lowest, $1.50; average, $6.

Commissioner O'CONNELL. Six dollars?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. In nine months?

Mr. AMDUR. Yes, sir. No; for the year.

Commissioner O'CONNELL. For the year?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Just turn that list over to the stenographer, please.

What is the average working time of the entire year? We know you have seasonal employment.

Mr. AMDUR. Yes.

Commissioner O'CONNELL. How many months in the year will your workmen really have work?

Mr. AMDUR. I would say seven months during the year.

Commissioner O'CONNELL. Seven months?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. What were you when at the trade; presser, did you say?

Mr. AMDUR. Skirt maker.

Commissioner O'CONNELL. Yes; now, seven and a half months, we will say eight months at the business in a year; how much money would you earn in a year? What would your annual earnings be? Did you ever figure it or keep track of it?

Mr. AMDUR. That is, my own?

Commissioner O'CONNELL. Yes; speaking of yourself.

Mr. AMDUR. Of course, that was something like seven or eight years ago when I worked at a machine. At that time——

Commissioner O'CONNELL. Were wages lower then than now?

Mr. AMDUR. Wages were higher then than now.

Commissioner O'CONNELL. Higher then than now?

Mr. AMDUR. Much higher. At that time, as I stated before, I made from $22 to $25 per week during a season, and when, that is, made $15 per week during the dull season, because I used to work on samples, and it averaged me about $19 or $20 per week.

Commissioner O'CONNELL. If yours is not a fair case of the general average——

Mr. AMDUR. No, sir.

Commissioner O'CONNELL. Take a man of the general average; what would be the general average earnings?

Mr. AMDUR. I would say $10 to $12 per week, the highest.

Commissioner O'CONNELL. Average for the year?

Mr. AMDUR. Average the year.

Commissioner O'CONNELL. Well, would you say the woman in the trade—what would you say she would average?

Mr. AMDUR. She would make $6 or $7, the highest.

Commissioner O'CONNELL. Are there any children at all employed around 14 or 15?

Mr. AMDUR. Yes, sir; there are.

Commissioner O'CONNELL. Girls or boys?

Mr. AMDUR. Girls; mostly girls 14, 15, 16.

Commissioner O'CONNELL. What do they earn?

Mr. AMDUR. They earn all kinds of wages—$2, $3, $5, and so on.

Commissioner O'CONNELL. You spoke of home work. Is there home work being done in Philadelphia?

Mr. AMDUR. Well, as for instance, with the firm of Mr. Bernstein's people, during a time of the season they are working from about, as he stated himself—God knows from what time in the morning, because the place is always open. They may come in at 5 o'clock, 6 o'clock.

Commissioner O'CONNELL. I don't mean in the shop. I mean do they take work home to do?

Mr. AMDUR. They work till about 9 o'clock in the evening and then take some work to be done at home. Saturday they work till 6, and in the evening, and then they work at home on Sunday; it means they are working from 5 and 6 in the evening, and then Saturday and Sunday the whole day.

Commissioner O'CONNELL. It is the general custom that they do take some work home Saturday for Sunday?

Mr. AMDUR. Yes, sir; with Mr. Bernstein's shop especially.

Commissioner O'CONNELL. Mr. Bernstein's?

Mr. AMDUR. Yes; the president of the association.

Commissioner O'CONNELL. Is there ever any investigation made as to the condition under which this clothing is made in the homes, as to the conditions of the homes, whether there is disease there contagious in character, whether they are living in large numbers in a very small space, in a few rooms, and as to the sanitary conditions?

Mr. AMDUR. There was not any official investigation made by the State, but, as far as we know, we have investigated it.

Commissioner O'CONNELL. What did you find?

Mr. AMDUR. We found that our tailors, operators, and finishers, they are living mostly in two or three rooms.

Commissioner O'CONNELL. And in what numbers?

Mr. AMDUR. In numbers of 6, 8, and sometimes 10 people in those rooms.

Commissioner O'CONNELL. In two or three rooms?

Mr. AMDUR. Two or three rooms; this is the average. Of course, in a few exceptions, it may be they live in little houses for themselves, but in the majority of the cases they live in two or three rooms, and in most of the cases also they had a lodger—what we call a boarder.

Commissioner O'CONNELL. A what?

Mr. AMDUR. A boarder.

Commissioner O'CONNELL. In addition to that 10 or 11 children?

Mr. AMDUR. To their 10 or 11 family, and, of course, if they have one, so that one room is a bedroom, one room is a kitchen, and also the working shop, where they are doing the work.

Commissioner O'CONNELL. Where do those 8 or 10 or 11 or 12 people sleep? Or do they take turns in sleeping?

Mr. AMDUR. Some on the floor, some in the bed; in many instances I have seen the door—came in the door and seen the door standing by the wall, and I have asked them why is that, and they told me at night they are putting a door on two chairs and they are making a bed on it; they are sleeping on it.

Commissioner O'CONNELL. Is there a possibility of their taking the clothing they take home to sew upon for bedding?

Mr. AMDUR. Probably they do.

Commissioner O'CONNELL. Or part of it?

Mr. AMDUR. Probably they do.

Commissioner O'CONNELL. Is there any statutory regulation as to the hours the factories are open or closed—start in the morning, say, at 8 o'clock and quit at 5 or 6?

Mr. ANDREW. Yes, sir; during the dull season.

Commissioner O'CONNELL. During the dull season?

Mr. AMDUR. From half past 7 and 6.

Commissioner O'CONNELL. How about the busy season?

Mr. AMDUR. There is no time limit.

Commissioner O'CONNELL. They go early and leave late?

Mr. AMDUR. Go in whenever they want to. Some factories at night, after 6 o'clock, as it happened in the case of Sacks Bros., the doors were locked; the people wanted to go home; it was the last day of the week. Of course, the manufacturer locked the door and they were not allowed to go out, and the one who made a fight to go out would naturally be discharged.

Commissioner O'CONNELL. Mr. Kelly told us about some conditions of contracting in the shop in which the contractors hired the employees who worked under him.

Mr. AMDUR. Yes.

Commissioner O'CONNELL. What is there in connection with that condition? What is the condition surrounding that?

Mr. AMDUR. The conditions about this contract system is this: Mr. Kelly, as a manufacturer, hasn't got much time——

Commissioner O'CONNELL (interrupting). We are not criticizing Mr. Kelly per se here.

Mr. AMDUR. You mentioned Mr. Kelly, and I don't mean exactly Mr. Kelly.

Commissioner O'CONNELL. Yes.

Mr. AMDUR. But a manufacturer has more business to look after and can not look after the working people. He has something else to do. He can not get the cheapest labor on account that he can not devote all his time to it, so he gets a contractor, which he has only one business, and this is to make the work; and this man has enough time to get the cheapest labor it is possible to get in the city. He is not too lazy sometimes to go over to the immigration bureau and see whether tailors are coming over, and he gets them, and sometimes he gets a few dollars by them yet in order to take them into the shop.

Now, this is the idea of the contractor inside the factory. He is getting the cheapest labor where a manufacturer would not be able and possibly couldn't get it on account he can not devote his time as much as this contractor can do it, and naturally, of course, the contractor makes him to work also cheaper, as he would have to pay to an experienced tailor, etc.

Commissioner O'CONNELL. What does the contractor pay his help, then, if he hires it under those conditions—goes to the immigration bureau and brings some tailors up who have to be turned into your method?

Mr. AMDUR. Yes, sir. In many cases he gets $10 as a premium paid for learning him the trade. Of course, with the tailors, if he is a good tailor from the old country, he is not paying to the contractor anything, but he gets $1, $2, or $3 a week, but as to the presser——

Commissioner O'CONNELL (interrupting). As a sort of a learner, until he becomes familiar?

Mr. AMDUR. Yes, sir.

Commissioner LENNON. Then how long does he have to work at the business before he earns $10 or $12 or $14 a week?

Mr. AMDUR. Depends upon how soon he becomes a little more or less Americanized, and he understands that he is not getting paid what he ought to; sometimes starvation or hunger compels him to leave this place and go and look for something else, and he finds something better.

Commissioner O'CONNELL. Do you know something of the protocol conditions of the trade in New York?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. You understand the protocol provides that there shall be a shop committee of the men and a representative of the employers, and that the adjustment of grievances shall be passed to them and up to a higher authority, and so on. Such board there has the final say in the matter.

Mr. AMDUR. Board of arbitration.

Commissioner O'CONNELL. Yes; the protocol provides for what is called the preferential shop.

Mr. AMDUR. Preferential union shop, yes, sir.

Commissioner O'CONNELL. In other words, that means that the union men are given the preference?

Mr. AMDUR. Preference.

Commissioner O'CONNELL. But that when times are hard and the laying-off of men comes, the nonunion men are laid off first, and that in the employment of people the union people shall be first employed, etc.?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. They get the preference?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Would your organization in Philadelphia look favorably upon the protocol conditions being put into effect in Philadelphia?

Mr. AMDUR. They certainly do.

Commissioner O'CONNELL. The international organization to which you are attached of course approves of that?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Because they are associated with it in New York?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Have the conditions since your strike here improved, or become worse than they were before the strike?

Mr. AMDUR. Worse by 50 per cent.

Commissioner O'CONNELL. By 50 per cent worse?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. They must have been severely bad prior to the strike if what you say is true, and I have no reason for doubting your sincerity. You mean 50 per cent worse than what it was?

Mr. AMDUR. Yes, sir.

Commissioner O'CONNELL. In what direction?

Mr. AMDUR. As far as the prices.

Commissioner O'CONNELL. Wages?

Mr. AMDUR. Wages, and as far as the treatment in taking up and hiring help.

Commissioner O'CONNELL. Have the prices been reduced since the strike occurred?

Mr. AMDUR. Fifty per cent.

Commisisoner O'CONNELL. Will you cite some cases; for instance, if a man was earning $20 a week prior to the strike could he earn only $10 now?

Mr. AMDUR. Here is a case which I may show you. A man by the name of B. Cipher, a finisher, working for Sporken & Sons, lives at 931 Fairmont Avenue, is a man with four children. He didn't work since the strike more than six weeks, until now. For the six weeks he worked, he made one week $3.75; one week, $4.70; one week, $4.65; one week, $5; one week $2.25.

Commissioner O'CONNELL. Well, just now is it the dull season, or some exceptional reason for that? Is the season normal now; it is not normal, is it?

Mr. AMDUR. The season is not normal now; but this is his earnings.

Commissioner O'CONNELL. Well, that earnings—do you know that he worked all the time for that or only part of the time?

Mr. AMDUR. He worked all of the time.

Commissioner O'CONNELL. How long, do you imagine—10 or 12 hours a day?

Mr. AMDUR. I mentioned that he did not work for the $2.25, but I am quite sure that he worked for the $5 a week. Well, now, it happened at last, a few days ago, a manufacturer came over to that man and told him that, being that he got a big order and now he is getting 20 cents for finishing per garment, he wants to take off a nickel off that garment.

Commissioner O'CONNELL. Has there been a nickel's worth of change in it required?

Mr. AMDUR. No change at all.

Commissioner O'CONNELL. The garments change very rapidly, don't they?

Mr. AMDUR. The garments were not changed—the very same garments—but he wants to take off a nickel. That man naturally refused to take the work, and he went home. The rest of the employees—all the finishers—also refused, and they have stopped for a couple of days, and, being hungry, they came back to the shop, and they have sat down to the work for a nickel less. This here man also came to the shop and wanted to take the work, and sat down to work; but the boss has told him he can not work in this place any more; and Saturday, when he came for his pay—here is his pay envelope and there is his book for the last week, where he made $2.25 in the book, where it is only $2.05 on the pay envelope.

He said, "Why do you give me 20 cents less?" As the manufacturer has told him that a couple of weeks ago he has damaged a piece of lining, "and therefore I am taking off 20 cents from your envelope."

Here is the envelope and the book.

(Marked "Amdur Exhibits 3 and 4 of June 30, 1914."

The envelope and book referred to were submitted in printed form.)

Mr. AMDUR. This is only one case out of hundreds and hundreds.

Commissioner O'CONNELL. Well, do these cases happen very frequently now?

Mr. AMDUR. Oh, yes; very frequently.

Commissioner O'CONNELL. That men are only making from $2 to $5 a week?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. With families?

Mr. AMDUR. Yes; and they are all glad to get it.

Commissioner O'CONNELL. Families of four and five children?

Mr. AMDUR. With families of four and five children.

Commissioner O'CONNELL. Well, how are they living?

Mr. AMDUR. Well, the majority of them have the furniture in storage.

Commissioner O'CONNELL. In storage?

Mr. AMDUR. In storage house, on account that they can not keep on renting the rooms, as I said before—two or three rooms—they can not do it now. We have hundreds and hundreds of cases where our people have their furniture in storage, and they also bind it there. They take a couple of dollars on it in order to have a few dollars to live on. They break up, in other words, their homes, and so on. There are only a few instances in this trade out of the 6,500 people which are working and making a living. I don't think you will find 10 per cent are. Ninety per cent are living on starvation wages.

Commissioner O'CONNELL. Well, now, as the business agent and a man who is around among these people every day, knowing their working conditions, and knowing their home lives, what would you say a worker in the ladies' garment trades in Philadelphia, say, in the earnings per week, the average of them would be?

Mr. AMDUR. Now?

Commissioner O'CONNELL. Yes.

Mr. AMDUR. I can not say because I can not make out any figure. There isn't such a thing.

Commissioner O'CONNELL. Well, you say there are large numbers of them that are earning money like this you have just stated to us, from $2 to $5 per week?

Mr. AMDUR. Yes.

Commissioner O'CONNELL. Would you say the average clothing worker in your line of industry in Philadelphia was earning $6 a week, or $7 a week, or $8 a week?

Mr. AMDUR. After the strike?

Commissioner O'CONNELL. Right now.

Mr. AMDUR. Right now they are not averaging $3 per week.

Commissioner O'CONNELL. The entire trade?

Mr. AMDUR. The entire trade.

Commissioner O'CONNELL. Is the industry fairly normal now, or exceptionally slack?

Mr. AMDUR. No; exceptionally slack.

Commissioner O'CONNELL. Do these people go into other lines of industry; do they go and work at something else during the slack times?

Mr. AMDUR. Very few.

Commissioner O'CONNELL. They don't work at anything else at all?

Mr. AMDUR. No.

Acting Chairman WEINSTOCK. When do your seasons here begin and end?

Mr. AMDUR. The season begins in the month of August and ends in the month of November.

Acting Chairman WEINSTOCK. August?

Mr. AMDUR. That is the fall season.

Acting Chairman WEINSTOCK. August to November?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. And then the spring season?

Mr. AMDUR. The spring season begins in the month of February and ends in the month of April.

Acting Chairman WEINSTOCK. I see. Then this particular period is between the seasons?

Mr. AMDUR. This is between the seasons, yes.

Acting Chairman WEINSTOCK. When the work is at a minimum?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. And it has always been that way, I take it. This is not an exceptional season?

Mr. AMDUR. Well, it has always been that way. Sometimes the season is a little longer, and sometimes a little shorter, but this is about the same thing.

Acting Chairman WEINSTOCK. Well, now, in conversation with business men generally, they tell me that this spring season has been a very disappointing season; the worst they have had in years. Does that in any way account for the fact that this dull period is leaner than the dull periods of the past?

Mr. AMDUR. No, sir; I don't think so, to my mind.

Acting Chairman WEINSTOCK. You don't think this dull season was any duller than preceding dull seasons?

Mr. AMDUR. Not to my mind, it is not.

Acting Chairman WEINSTOCK. You think it is a normally dull season?

Mr. AMDUR. It is a normally dull season.

Acting Chairman WEINSTOCK. What are the average earnings of the workers during the dull seasons of the year?

Mr. AMDUR. The dull seasons?

Acting Chairman WEINSTOCK. The average earnings?

Mr. AMDUR. Yes. Well, three to four dollars per week is the highest.

Acting Chairman WEINSTOCK. Then this is not an exceptional situation?

Mr. AMDUR. Not an exceptional situation.

Acting Chairman WEINSTOCK. Then it would not be fair to take the earnings as you have just shown there for the present time and let that make, in our mind, a criterion for the year's earnings?

Mr. AMDUR. No; it would not be fair, because I did not take it in here to show the wages; I took it for a typical case on account the manufacturer, after a man made $2 per week, he took off 20 cents for damaging a lining, in this case, he said.

Acting Chairman WEINSTOCK. I see. You heard the testimony of Mr. Kelly, did you not?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. You heard him testify that, in his opinion, the workers before the strike had no grievances, and that the strike was due, not to any grievance on the part of the workers, but due to outside agitators who came here and stirred things up. What is your answer to that statement?

Mr. AMDUR. It was absolutely not so. There was no outsiders here in Philadelphia prior to the strike, just with the exception that sometimes, you know, the general president or the general secretary have business and comes over here for a few hours, and not more; they have never been even for a day to Philadelphia to see how things are running, and go back and never sees even a majority of the people, only the officers, and so on.

Acting Chairman WEINSTOCK. Well, then, your statement then would lead one to believe that Mr. Kelly was in error when he made that statement?

Mr. AMDUR. Yes; absolutely.

Acting Chairman WEINSTOCK. Possibly Mr. Kelly may have meant that there were people in Philadelphia who were not in the trade active or played the part of agitators.

Mr. AMDUR. There isn't anyone; there wasn't anyone during the time before the strike had part in that strike who was not a member of our union.

Acting Chairman WEINSTOCK. Are we to understand, then, Mr. Amdur, that the initiative that led to the strike came from within the ranks of the workers?

Mr. AMDUR. Yes, sir.

Acting Chairman WEINSTOCK. And not from without?

Mr. AMDUR. Not from without.

Acting Chairman WEINSTOCK. You also probably heard both Mr. Kelly and Mr. Bernstein testify that, in their opinion, the men were misled?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. They had bad leaders who, for selfish purposes, encouraged the men to strike?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Since their jobs as officials depended on turmoil instead of upon peace; depended upon war rather than peace. What is your answer to that?

Mr. AMDUR. That is not so; it is untrue.

Acting Chairman WEINSTOCK. What are the facts, as you saw them?

Mr. AMDUR. The facts, as I see them, that the leader, and I may say I was the only one, at least a paid officer of the union, we have done—I have done all in my power to avert a strike before it was called, and I have done more than it

was in my power to settle it, either by arbitration or by any legitimate way, at the time the strike was declared.

Acting Chairman WEINSTOCK. Then you would say, Mr. Amdur, that Mr. Bernstein and Mr. Kelly were mistaken in making that statement?

Mr. AMDUR. I would rather say that they have absolutely tried to throw a bad light upon the officers of the union purposely.

Acting Chairman WEINSTOCK. You also heard those gentlemen make the statement that in their opinion the workers before the strike had no grievances. What is your answer to that?

Mr. AMDUR. Well, the answer to this is that I understand the man who has no grievance will never vote to go on strike, and the fact of the matter is that maybe there were a few hundred people which were better treated, were favorites in the shop, and they did vote against the strike, but the majority voted for the strike. And this is enough proof that there were some grievances which the people wanted to be adjusted.

And another thing, to my mind, a man who has no grievance will not stay out 26 weeks in a strike and live in starvation. There isn't such a thing, such a powerful man, to compel him to stay on strike, and starve with his wife and children.

Acting Chairman WEINSTOCK. I wish you would explain for the information of the commission, Mr. Amdur, what your union stands for. First, does it stand for a square deal?

Mr. AMDUR. Absolutely; on both sides.

Acting Chairman WEINSTOCK. It believes in giving the employer a square deal?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Does it stand for honesty of its officials?

Mr. AMDUR. Absolutely. I will bring you an instance.

Acting Chairman WEINSTOCK. What would your union do if it found it had a dishonest official?

Mr. AMDUR. Why, positively drive him out of the organization.

Acting Chairman WEINSTOCK. Does it stand for peace?

Mr. AMDUR. Always.

Acting Chairman WEINSTOCK. Does it stand for law and order?

Mr. AMDUR. Always; those was our orders to the strikers during the time of the strike, always.

Acting Chairman WEINSTOCK. Is it opposed to violence?

Mr. AMDUR. Absolutely.

Acting Chairman WEINSTOCK. You heard the testimony given this morning that during the strike there were two murders committed, and there were four near murders committed, and there were 455 assaults committed?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Is that correct, substantially?

Mr. AMDUR. It is not correct.

Acting Chairman WEINSTOCK. What was the facts?

Mr. AMDUR. There was one murder committed, and this was done by a strike breaker who had shot and killed instantly on the spot one of our strikers, a man by the name of Abe Kopper. This was the one murder. Assaults, there were assaults, but they came from the side of the manufacturers, and naturally, of course, our people had defended themselves. For instance, it happened one day that the manufacturers had sent a gang over, about 10 or 12 hired thugs, to the hall where the strikers were, and they came over there and made a riot, and naturally there was a couple of hundred men, these halls were filled up to the roof, and some of our strikers were arrested because these fellows were beaten up.

Acting Chairman WEINSTOCK. Are we to understand that there wasn't one single case where a member of the union took an offensive part and committed violence?

Mr. AMDUR. I will not say that; there were.

Acting Chairman WEINSTOCK. There were such cases?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Where the members of the union of their own volition did that?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. What did the union do with those men?

Mr. AMDUR. Well, as a rule, they have always been after they were out of our jurisdiction. For instance, at the time they were in the halls and at the

time they were on picket duty they were under our care, and there was no violence committed at that time. After they went to their homes, maybe they have met a strike breaker there and maybe it came up an argument, and came about an assault, but the union were not responsible for those, and can never be responsible.

Acting Chairman WEINSTOCK. If it is true, Mr. Amdur, that the union stands for law and order and is opposed to violence in strikes, and is sincere in that statement——

Mr. AMDUR (interrupting). Absolutely.

Acting Chairman WEINSTOCK (continuing). Is it not the duty of the union to expel its members who commit violence and to aid the authorities in bringing them to justice? How else can they prove their sincerity in that statement?

Mr. AMDUR. Why, in many instances we have expelled our members for violence, and for not giving the square deal to the manufacturer or for not being honest enough in dealings with the manufacturers.

Acting Chairman WEINSTOCK. Can you give this commission the names and dates and places?

Mr. AMDUR. Oh, yes. For instance, in the same place where Mr. Kelly has mentioned the fact that two of his workmen, members of his union, have tried to make a deal with him, and the men were called out the same evening before the executive committee and were fined $25 each, which they had to pay immediately, and they have refused to pay, and they were expelled from the organization. The names are Mr. Singer and—I have forgotten the other man's name—Evens, I think.

Acting Chairman WEINSTOCK. That was for attempted bribery?

Mr. AMDUR. Yes, sir; absolutely.

Acting Chairman WEINSTOCK. Can you give the commission names and dates and places where men were expelled from the union for doing acts of violence?

Mr. AMDUR. No, sir; because there wasn't proven such a thing yet. We were waiting—that if a man commits violence he should be punished by the court, and if he will be punished by the court, then we will see what we can do with him—but it was not proven such a thing yet; out of 688 arrests that we have had during the time of the strike, and out of between 300 and 400 court cases there was only one man convicted.

Acting Chairman WEINSTOCK. Was he a union man?

Mr. AMDUR. Yes; two men.

Acting Chairman WEINSTOCK. Two union men were convicted?

Mr. AMDUR. Yes, sir.

Acting Chairman WEINSTOCK. What did the union do about it?

Mr. AMDUR. Why, we have not done anything, because we believed that the judge was a little too partial in his charges to the jury, and we believed we would appeal that case and, of course, if they will be found guilty again, then, of course, they will naturally be expelled from the union. That is the only case we have.

Acting Chairman WEINSTOCK. This statement has come to me, Mr. Amdur, from unionists. I would like to know in how far your union sympathizes in this statement that was made to me by a union man, not here, but in another place.

In speaking of the question of violence in labor troubles, the question came up about the unions making good their claim that they are opposed to violence, that they stand for law and order, and being questioned why the unions, under those circumstances, did not expel members who had committed violence, the answer was: They committed violence in the interests of labor, and therefore, right or wrong, we feel we must stand by them.

Is that the way your union feels about it?

Mr. AMDUR. Not at all; we claim that violence can not be committed by any interest, not for labor and not for capital, of course.

Acting Chairman WEINSTOCK. You have been a student of these labor problems, I take it?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Are you familiar with the prevailing conditions, industrial conditions, in the country as a student?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. What, in your judgment, is the best way to minimize industrial war and to bring about a higher degree of industrial peace? What is your solution for it?

Mr. AMDUR. My solution is, as I would say, the fear of a strike; not the strike, but the fear of a strike, would bring about more peace in the relationship between capital and labor; and in order to obtain the fear of a strike you must have better labor laws; we must see that the interference of the police should not be so much in favor of the manufacturers, because the police guards the manufacturers always and the members of the unions always have to fear the police, and this encourages the manufacturers to go out on strike with people.

Acting Chairman WEINSTOCK. Right on that point, before you go any further, what have you or I to fear from the police so long as we obey the laws?

Mr. AMDUR. Oh, yes; you may be a good, law-abiding citizen, and have a split head for being a striker.

Acting Chairman WEINSTOCK. Yes; but if a police should go beyond his limits and use violence against inoffensive, law-abiding citizens, his whole position is in jeopardy.

Mr. AMDUR. That is not always the case. Sometimes he may get a reprimand for it, yes.

Acting Chairman WEINSTOCK. Proceed with your statement.

Mr. AMDUR. This one thing, that so many injuries should not be given to the organized labor unions, which they give cause to the manufacturer to strike, and the main thing I would suggest, that an agreement made between the employer with a group of employees, or with an organization of employees, it should become a law that they should not be able to break this agreement just as much as they can not break any other agreement, and, to my mind, this would avoid a whole lot of trouble and strikes.

Acting Chairman WEINSTOCK. In other words, you mean organization on both sides, and trade agreements?

Mr. AMDUR. When you come to an agreement and reach a certain agreement, this shall become law, that no party can break this agreement.

Acting Chairman WEINSTOCK. Do you know of any instances, Mr. Amdur, where the employers have broken agreements in Philadelphia?

Mr. AMDUR. Oh, yes; here I have an agreement signed by Mr. Kelly, and after four weeks he has signed this agreement he has broken it and declared an open shop and sent all the people out. And, let me tell you the reason why, Mr. Commissioner. It is not because he could not agree at that time with his people. I know why. I know it for a fact. I have the facts with me. I have met, a week later I have met Mr. Greenhood, he is a partner in the firm of Kelly, he is the designer, and he is also a partner in the business, and I asked Mr. Greenhood: "How is it you have locked your people out? Why, I and you know that we have always got along peacefully and nicely with your people. We have the best set of people a manufacturer can have, and can ever get, and you were the first man to settle our strike. We never had any grievances against the union." And Mr. Greenhood has answered me: "Why, I can not talk, Max; I must be quiet, but we were compelled to do it. And understand what that means." This is the very same words.

Acting Chairman WEINSTOCK. Well, do you know of any other instance where employers broke their agreements?

Mr. AMDUR. Oh, yes.

Acting Chairman WEINSTOCK. Can you name them?

Mr. AMDUR. I will give you their names: Progress Cloak & Suit Co., Mr. Kepner, Mr. Frank, and Mr. Yeggerman, and Boostein, Mr. Feldheim, and Leiberwitz, and a few others.

Acting Chairman WEINSTOCK. Did those concerns have written agreements with the union?

Mr. AMDUR. They had written agreements with the union.

Acting Chairman WEINSTOCK. And your statement is that they deliberately violated them?

Mr. AMDUR. They deliberately violated them, on account, of course, they were compelled. I know they were compelled. The manufacturers themselves were on strike. They compelled them to do it, because they have stopped their orders and they have stopped their credit, and they have—it meant that they either had to give up their business and get ruined or to keep on the trade agreements with the union.

Acting Chairman WEINSTOCK. Do you know of any instance where the workers broke their agreement?

Mr. AMDUR. No, not so far as I know, at least, not in my trade, because I have absolutely stuck to what I have agreed to.

Acting Chairman WEINSTOCK. Then, from your statement, the contract breakers were altogether on the employers' side?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. And the workers have observed faithfully their agreements?

Mr. AMDUR. Well, I would not say that, as a rule, for the entire——

Acting Chairman WEINSTOCK (interrupting). Speaking only in your own territory.

Mr. AMDUR. For our own territory, yes.

Acting Chairman WEINSTOCK. You just said a minute ago that among the remedies that you would put into operation to tend toward a greater degree of industrial peace you would have the police keep their hands off in labor troubles and you would wipe out labor injunctions?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. Well, then, what restraining influence would you have on the unions? How would you protect the employer against your breaking agreements?

Mr. AMDUR. Well, I will say that law-breaking unions—the State or the Government should take occasion——

Acting Chairman WEINSTOCK (interrupting). But you say the police should keep their hands off?

Mr. AMDUR. I don't mean that the policemen should not look into the business of the union at all. What I mean is, for instance, there were, at the time of the strike, there were hundreds of men going around with revolvers in their pockets, working in the shops, strike breakers—guards were going around with guns in their pockets and never anyone was arrested. And this is what I say—the police have protected them; and in many instances we went to the police and explained and told them, "Here is a man working in a shop and he has got a gun in his pocket," and I am quite sure if that would be the case with a striker he would get right a hold of him and search his pockets and take him over to custody, where they have absolutely refused to do it in the case of a strike breaker. I don't mean the absolute uninterference with the police, but I mean the partial interference.

Acting Chairman WEINSTOCK. The partial interference?

Mr. AMDUR. Yes; the partial interference, not impartial.

Acting Chairman WEINSTOCK. One-sided interference?

Mr. AMDUR. Yes; one-sided interference.

Acting Chairman WEINSTOCK. Summing up, then, I take it that your remedy for industrial war is mutual organization on both sides and mutual recognition on both sides; trade agreements with an arbitration provision, I presume?

Mr. AMDUR. Yes.

Acting Chairman WEINSTOCK. So that any disputes might be settled without cessation of work?

Mr. AMDUR. If it could be settled by mediation, all right; conciliation, all right; if not, it should go to arbitration.

Acting Chairman WEINSTOCK. Do you know any reason why that will not work out in your industry here?

Mr. AMDUR. I do not.

Acting Chairman WEINSTOCK. If carried out in good faith by both sides?

Mr. AMDUR. I do not see any reason why it should not.

Acting Chairman WEINSTOCK. Have you anything further to offer?

Mr. AMDUR. Well, I might say a few more words, and that is this, as to illustrate that whatever I have stated here is correct. Mr. Bernstein has said, or Mr. Kelly, that everything is peaceful and quiet and harmonious, and no grievances on the part of the workers, and everything is nice and smooth, and that shows that the people are treated nice and good, and so on. I might say to this commission that I could show that within a time of 24 hours, on one notice on the part of the union, the 6,000 people in this trade would go out on a general strike again, and strike more seriously and more bitterly than they did in the strike that they had before.

Acting Chairman WEINSTOCK. Order in the room.

Mr. AMDUR. And that shows, if they can have a strike for 26 weeks, and the men are ready to go out on strike again, on strike, that shows how the conditions are.

Acting Chairman WEINSTOCK. You mean that the paper is here, and the shavings are here, and the fuel is here, and all it is necessary to do is to touch the match, is that it?

Mr. AMDUR. That is it, all because of the bad conditions there is in the trade.

Acting Chairman WEINSTOCK. Thank you very much.

Mr. BUSIEK. Will Miss Stein take the stand?

TESTIMONY OF MISS BECKY STEIN.

Mr. BUSIEK. State your name in full, please.

Miss STEIN. Becky Stein.

Mr. BUSIEK. What is your occupation?

Miss STEIN. Finisher; garment worker.

Mr. BUSIEK. How long have you worked at that trade?

Miss STEIN. Seven years.

Mr. BUSIEK. Here in Philadelphia?

Miss STEIN. In Philadelphia.

Mr. BUSIEK. Is that a position which is filled by ladies, generally?

Miss STEIN. No; we have men; very few.

Mr. BUSIEK. Very few men?

Miss STEIN. Yes; the majority are ladies.

Mr. BUSIEK. About how many of them are working at that in Philadelphia?

Miss STEIN. About fourteen or fifteen hundred.

Mr. BUSIEK. About fourteen or fifteen hundred?

Miss STEIN. Yes.

Mr. BUSIEK. Ladies?

Miss STEIN. No; that would be altogether.

Mr. BUSIEK. Well, how many of those workers are women workers?

Miss STEIN. Women, about, it would be about 1,300.

Mr. BUSIEK. About 1,300?

Miss STEIN. Yes.

Mr. BUSIEK. What are the hours of the finishers? Do they work on piecework?

Miss STEIN. Piecework is the majority.

Mr. BUSIEK. And what are the shop hours of these finishers' work?

Miss STEIN. No limit in the season; no limit to them.

Mr. BUSIEK. No limit to them during the season?

Miss STEIN. No.

Mr. BUSIEK. Do you ever take work home?

Miss STEIN. I personally did not, but a good many do.

Mr. BUSIEK. Is that all handwork or is it machine work?

Miss STEIN. Handwork.

Mr. BUSIEK. Handwork?

Miss STEIN. Yes.

Mr. BUSIEK. You have been working for eight years, you say?

Miss STEIN. Seven.

Mr. BUSIEK. You were familiar with the prices paid for this class of work eight years ago and are familiar with the prices paid now?

Miss STEIN. Yes.

Mr. BUSIEK. From your personal experience what comparison can you draw between those prices?

Miss STEIN. Very low now.

Mr. BUSIEK. Can you tell about what proportion—by one-half or one-third or one-fourth or one-fifth or one-sixth lower?

Miss STEIN. I would not have to go back seven years, only about two years, about a year before the strike. The garment that used to pay 50 cents pays now 25 and 30 cents at the highest.

Mr. BUSIEK. Is that a condition in all the shops?

Miss STEIN. The majority of the shops with a few exceptions.

Mr. BUSIEK. Do the manufacturers generally cut the price on garments in slack seasons?

Miss STEIN. Yes; that was a rule.

Mr. BUSIEK. They cut the prices in slack seasons as a rule?

Miss STEIN. Yes.

Mr. BUSIEK. Well, then, is this rule any different in regard to cutting than any other slack season has been in regard to cutting?

Miss STEIN. Well, it is different.

Mr. BUSIEK. How much money can you earn by working steadily?

Miss STEIN. Steadily?

Mr. BUSIEK. Now.

Miss STEIN. Well, there isn't such a thing in the women's garment industry as working steadily.

Mr. BUSIEK. Well, suppose you had a whole week's work, how much could you make?

Miss STEIN. Well, to compare with myself, as I should say that there are very few like I am. I am exceptionally good and a very good worker and a fine worker, and I should work without overtime in the season, in the busy season, I have never been able to make more than $17 or $18, and an excellent worker and the people who know me will state the same.

Mr. BUSIEK. Now, you are an expert worker and in busy seasons you can make $17 or $18 at the prevailing rate?

Miss STEIN. No.

Mr. BUSIEK. Now, give me that statement, then, again. Now, you are an expert worker?

Miss STEIN. Yes, sir.

Mr. BUSIEK. How much can you make in the busy season?

Miss STEIN. In regular hours?

Mr. BUSICK. Yes.

Miss STEIN. Make sometimes $16 or $17.

Mr. BUSIEK. What do you call regular hours?

Miss STEIN. From 8 to 6.

Mr. BUSIEK. That is 10 hours?

Miss STEIN. And Saturday until 1.

Mr. BUSIEK. That is about a 9½-hour day. How long is the busy season?

Miss STEIN. As it was stated here it starts in August—that is, the fall season—and ends in November.

Mr. BUSIEK. And what is the spring season?

Miss STEIN. The spring season starts in February and ends in April—beginning of April.

Mr. BUSIEK. So that makes about seven months' work a year, or eight months, according to your——

Miss STEIN (interrupting). Seven. Even during that time you can not call it a regular season—all that seven or eight months. After the first orders we have a few weeks until the second orders come—some kind of a vacation; you can't call it slack, and it is not called busy.

Mr. BUSIEK. Do you ever know from one week to the next whether or not you are going to have work the next week, or from one month to the next, whether you are going to have work the next?

Miss STEIN. Oh, no; we know as a general rule that the season is sometimes a week more and sometimes a week less, but sometimes, if it is a busy season, if they get more orders, we have more work; and if not, then we are to take it as it comes. We can never tell. We can never be assured that the next week we will have the same pay. Never be assured of that.

Mr. BUSIEK. And you are one of the highest-priced finishers?

Miss STEIN. Yes, sir.

Mr. BUSIEK. Now, Miss Stein, let's take a year—the year preceding the strike. Have you ever figured out how much money you made for that entire year?

Miss STEIN. Well, I did not. We finishers work under a different system entirely, which I would like the commission to know that.

Mr. BUSIEK. Just explain that.

Miss STEIN. The finishers used to work, prior to the strike—that is, before the strike, from the tailors—from the operators. We were never entitled to the price committee's rates, they said, with the exception in the union shop.

Mr. BUSIEK. Now, let me get this. The tailors would hire the finishers?

Miss STEIN. Yes, sir.

Mr. BUSIEK. And give them whatever amount they wanted to give them?

Miss STEIN. Well, if it was in a union shop the tailors would give them a reasonable price.

Mr. BUSIEK. But in a nonunion shop?

Miss STEIN. They would give a reasonable price that they would get from the foreman.

Mr. BUSIEK. The firm would fix the price that the tailor had to pay the finisher?

Miss STEIN. Yes.

Mr. BUSIEK. Now, is that system still in effect?

Miss STEIN. No; just a few after the strike.

Mr. BUSIEK. Now, the finishers are independent workers?

Miss STEIN. By the employers.

Mr. BUSIEK. And contract directly with the employers?

Miss STEIN. All of them with the employers. They give us that, but they take the advantage from it.

Mr. BUSIEK. Is this change due to the strike, Miss Stein?

Miss STEIN. Yes, that is our main point, for the finisher.

Mr. BUSIEK. That was the finishers' chief grievance?

Miss STEIN. Yes.

Mr. BUSIEK. They did not want to come under the contract system?

Miss STEIN. It is an awful system, and the finisher would never know if she is employed. For instance, if a tailor would know a finisher and take her on, if the foreman would have anything against that finisher, he would compel the tailor to discharge her, whether he wanted to or not. He was compelled to do it by telling him, "If you won't discharge her, you can't get no work." And the condition was that if a finisher would be suitable to the foreman and not suitable to the tailor, he was compelled to keep her. He was compelled to do what the foreman told him.

Mr. BUSIEK. Miss Stein, conditions now are better, then, in so far as the change of the system is concerned?

Miss STEIN. In so far as the change of the system is concerned.

Mr. BUSIEK. But the wages are lower?

Miss STEIN. As I told you, they give us that, but they take the advantage for it by them cutting the prices in half.

Mr. BUSIEK. They cut the prices lower than what the tailors formerly gave you?

Miss STEIN. Much lower.

Mr. BUSIEK. How much could you make per week at the prices paid now if you had constant employment, working a nine and one-half hour day?

Miss STEIN. Well, I could make as much—if I had enough work in the season, I could make as high as $14 or $13 or something like that.

Mr. BUSIEK. What are the low wages due to—to the cutting of the prices or the lack of work?

Miss STEIN. It is more work to it and lower prices.

Mr. BUSIEK. You mean to say more work now than formerly?

Miss STEIN. Well, different styles. The styles now are more work than before, and the prices are much lower.

Mr. BUSIEK. But if there were a constant supply of work in spite of the fact of the changing styles and lower prices, you could make about $14?

Miss STEIN. Something—about $13 or $14 the highest.

Mr. BUSIEK. Expert workers?

Miss STEIN. Expert workers.

Mr. BUSIEK. And can men do any quicker work than women?

Miss STEIN. No; no man in the finishing department can do as much as a girl.

Mr. BUSIEK. He can't do as much as a girl?

Miss STEIN. No; he can't.

Mr. BUSIEK. Were there men of families doing work as finishers?

Miss STEIN. Yes, sir; most of them. No single men, hardly.

Mr. BUSIEK. How about girls and boys; are they ever put in as finishers?

Miss STEIN. No boys.

Mr. BUSIEK. Do girls——

Miss STEIN (interrupting). Girls.

Mr. BUSIEK. They are put on piecework, too?

Miss STEIN. Piecework.

Mr. BUSIEK. There are not any young girls?

Miss STEIN. Yes, sir; we have girls 17, 18, and 19 years.

Mr. BUSIEK. You are an expert worker. What does the average worker make, working full time under the prevailing prices?

Miss STEIN. What do you call full time—just regular hours?

Mr. BUSIEK. I mean when I talk of full time—well, let's call it a full week of nine and one-half hours.

Miss STEIN. That is never done in the garment industry during the season.

Mr. BUSIEK. That is not true during the season?

Miss STEIN. No, sir.

Mr. BUSIEK. Have you ever given the matter any thought, or have the members of your organization ever decided why that is, whether it is because there are too many employees for the work——

Miss STEIN (interrupting). No.

Mr. BUSIEK. Or whether or not it is because of the seasonal nature of the work?

Miss STEIN. It is seasonal; but I should say that, in my opinion, the manufacturers could start the season earlier than that, and that would prevent night work, especially for girls; but when the season comes in a rush—I would like to state here that the statement Mr. Bernstein made that they have to work night work I say it is not so; but the workers are compelled to work, whether they want it or not.

Mr. BUSIEK. Then, your idea is that if the manufacturers would rearrange the season—stretch it out—have shorter hours——

Miss STEIN (interrupting). Shorter hours.

Mr. BUSIEK. (continuing). And have a longer season——

Miss STEIN (interrupting). A longer season, and have them do day work and not night work. It would be better. I know that is the experience where I work.

Mr. BUSIEK. Now, we will get back to the other question. You are an experienced operator?

Miss STEIN. Finisher.

Mr. BUSIEK. How does the average finisher compare to you in point of earning power?

Miss STEIN. Well, in the busy season, with overtime and all, the average will be from 9 to 12 hours.

Mr. BUSIEK. When did you go back to work after the strike?

Miss STEIN. About seven weeks afterwards.

Mr. BUSIEK. And how long ago is that?

Miss STEIN. Well, that was some time in the latter part of February.

Mr. BUSIEK. You figured out, have you, just how much money you have made since? Have you worked steadily since that time?

Miss STEIN. No, sir.

Mr. BUSIEK. You have not?

Miss STEIN. Till April.

Mr. BUSIEK. Who gets the preference when hands are put back on, the expert or the average worker?

Miss STEIN. When workers are being put on when the season begins?

Mr. BUSIEK. Yes.

Miss STEIN. Well, the average.

Mr. BUSIEK. The average worker gets put on in preference to the expert? What I am trying to get at now, if you and another finisher were to go to a shop where your abilities were both known, who would get the job?

Miss STEIN. Oh, the expert.

Mr. BUSIEK. The expert would get the job?

Miss STEIN. Yes, sir.

Mr. BUSIEK. So, consequently, the less expert workers are out of employment more than the experts?

Miss STEIN. Yes, sir.

Mr. BUSIEK. How much of the time have you been out of employment?

Miss STEIN. Since April—well, with me it is an exception. As a rule, Mr. Kelly and Mr. Bernstein stated that they have no discrimination whatever, and I would like to enlighten you that I could not get a job by Mr. Bernstein's, and neither Mr. Kelly's.

Mr. BUSIEK. Are you one of those dangerous people?

Miss STEIN. Yes, sir; as they call me. And therefore they stated to their opinion, the way they stated here, there was no discrimination at all; and I would like to state where I worked before the strike there were 70 or 80 people, and only 17 were taken back.

Mr. BUSIEK. Was any remark made to the union people when they were put back on?

Miss STEIN. No; they will send for them by mail; and I never was sent for yet.

Commissioner O'CONNELL. You spoke about overtime?

Miss STEIN. Yes, sir.

Commissioner O'CONNELL. As a very common occurrence?

Miss STEIN. Yes, sir.
Commissioner O'CONNELL. In the busy season?
Miss STEIN. Until 9 o'clock.
Commissioner O'CONNELL. Every night?
Miss STEIN. Every night.
Commissioner O'CONNELL. You work every night during the busy season until 9 o'clock?
Miss STEIN. Yes, sir.
Commissioner O'CONNELL. Makes a day of about 12 or 13 hours?
Miss STEIN. Yes, sir.
Mr. BUSIEK. Well, for how long a season would you work that way?
Miss STEIN. As long as the season lasts.
Commissioner O'CONNELL. Two or three months?
Miss STEIN. Yes.
Commissioner O'CONNELL. Working 13 hours a day for two or three months right along?
Miss STEIN. Yes, sir. And if you don't feel like working one night, and you come the next morning, then you have got your work to fix, and they bother you. I know the fact as to our place, and it was a union place before the strike. And the foreman would go home, and tell the girls to work until 9 o'clock, and he would go home and leave the girls with a girl over them to take charge of the girls and tell her whoever dared to go away before, an hour or half an hour, the next day he would bother her with the work—that her work was not good, and so on.
Commissioner O'CONNELL. That is, he would not pass her work?
Miss STEIN. Yes, sir; and I am stating that as Mr. Bernstein especially stated that you can not get rid of the workers from the shop, and that he has to keep the shop open on account that the workers would not go home. And therefore I make the statement, and this is in most of the shops—as I said, I am an expert worker, and I have been working for the tailors yet, and when you are working for the tailors you have certain men—you have two tailors or so that you attend to; and I felt that I can attend to that and work a little overtime, but not until 9 o'clock, and he would compel me to do so; and if I would go home and went home even if he was not in the place, and the girl would report me, then I would have trouble the next morning, even being an expert worker.
Commissioner O'CONNELL. And your complaint is that instead of having difficulty to break into the shop you were having to make an effort to get out of there?
Miss STEIN. Yes, sir; I think it was one night—the foreman says you must stay; you girls must all stay until 9 o'clock; that he knows some of the girls would go home.
Commissioner O'CONNELL. Did you ever take work home in addition?
Miss STEIN. No; but I say, well, it is impossible, a whole week working and not one evening to have off. "Well," he says, "I will lock the place and you will be compelled to stay. "No," I says, "I don't think it would be right for you to do that." And he stopped some to excuse himself, and I says, "How dare you lock the girls in the place until some 9 o'clock? If I want to go home at 8 o'clock, wouldn't you allow it?" Then he walked away; did not answer. And that was Saturday; he would compel me to come in Sunday.
Commissioner O'CONNELL. You had to work Sunday?
Miss STEIN. To come in Sunday for half a day.
Commissioner O'CONNELL. Have many of them been compelled to come in Sunday?
Miss STEIN. Yes, indeed; and I said no. And if I said no he knew I said no, that I won't come in. I was independent a little.
Commissioner O'CONNELL. Now, Miss Stein, I just want to ask you a few questions, and if you will make your answers short, because our time is limited——
Miss STEIN (interrupting). Just let me bring out this point, why I was compelled to work on Sunday. And so with the rest of the girls, and he walked over to the tailors that I worked for and he says, "If you don't make her come in Sunday to work, then you will not get work the rest of the week—the whole week." And they were family men, and they came to me with tears in their eyes, and they begged me to come in Sunday, which I did for them. I came in Sunday and others working for the tailors on the same work, as I worked for the tailors, they knew if the tailors would not have enough work

we would not have enough. If they would not have anything, it would be that in the busiest seasons I could go home if my foremen would not give my tailors no more work.

Commissioner O'CONNELL. What was that you said about family men?

Miss STEIN. The tailors were family men, and they knew the foreman would not give them the following week work if I would not come in Sunday, and they knew it was true, and they begged me to come in and I did; and that is how I was compelled.

Commissioner O'CONNELL. Now, do you know of cases where they worked men or worked women or compelled them to put up security in the shape of money for spoiled work, or other money?

Miss STEIN. The only sum that was put up was by the pressers, as I know of.

Commissioner O'CONNELL. The pressers?

Miss STEIN. Yes, sir.

Commissioner O'CONNELL. What do they put up as security—or why do they put up?

Miss STEIN. Well, I could not bring that out very good as for the girls, because I——

Commissioner O'CONNELL. Are any of the girls ever asked to put up a forfeit of any kind in the way of money?

Miss STEIN. No.

Commissioner O'CONNELL. Are there many married women employed in the trade—women who are married?

Miss STEIN. Yes; there is women——

Commissioner O'CONNELL (interrupting). You don't need to answer this if you don't want to, but are you married?

Miss STEIN. No, sir; I am single.

Commissioner O'CONNELL. Women are employed who have small children at home?

Miss STEIN. Yes, sir.

Commissioner O'CONNELL. How are the children taken care of while they are working in the shop during the day?

Miss STEIN. Well, some of them have mothers.

Commissioner O'CONNELL. They do not take the children in the shop?

Miss STEIN. No, no.

Acting Chairman WEINSTOCK. Let me understand, Miss Stein, under the old conditions you were able to earn as much as $17 a week?

Miss STEIN. In the busy season.

Acting Chairman WEINSTOCK. And that under the new conditions you have not been able to earn more than $14 a week?

Miss STEIN. No.

Acting Chairman WEINSTOCK. Well, I can not quite reconcile that, Miss Stein, with your statement that the prices have been cut in half. If the price had been cut in half the most you could earn would have been $8.50 a week as against the $17. Now, tell us what you mean by that.

Miss STEIN. Well, as I said, where I worked the prices were a little more than other places; but still they were cut down 10 and 15 cents to what they were before the strike. And there are some places that are cut in half. And if I have to work there in those shops I could not earn more than $10 or $9 a week.

Acting Chairman WEINSTOCK. As against your former or past earnings of $17?

Miss STEIN. Yes, sir.

Acting Chairman WEINSTOCK. So your own experience has been that you have dropped about 18 per cent—from $17 to $14, which would be about 18 per cent; but the instances where the prices have been cut in half have applied to girls other than yourself?

Miss STEIN. Yes.

Acting Chairman WEINSTOCK. I see. What grievances have the workers now, to-day?

Miss STEIN. Well, as to prices and treatment in the shop. The most of the shops, as I know, if a worker would say something, they would tell you you can go to Mr. Amdur, your leader, that led you to strike.

Acting Chairman WEINSTOCK. Have you kept a record, Miss Stein, of your earnings by the week, from week to week, or from month to month, or year to year?

Miss STEIN. I did not, but I could just about tell my earnings.

Acting Chairman WEINSTOCK. Can you tell the commission what your average earnings were for 1913?

Miss STEIN. Oh, I can't tell.

Acting Chairman WEINSTOCK. Could you give me anywhere near it?

Miss STEIN. I could not.

Acting Chairman WEINSTOCK. Was it $1,000?

Miss STEIN. Oh, no.

Acting Chairman WEINSTOCK. Was it $100?

Miss STEIN. It was more than $100.

Acting Chairman WEINSTOCK. Was it $500?

Miss STEIN. No; nothing like it.

Acting Chairman WEINSTOCK. Nothing like $500?

Miss STEIN. No.

Acting Chairman WEINSTOCK. Could you approximate your earnings for 1912?

Miss STEIN. I could not. I never kept an account of it.

Acting Chairman WEINSTOCK. Never kept any record?

Miss STEIN. No. I couldn't, as I never saw a pay envelope until after the strike; as I used to get my money, hand to hand, from the tailor to me; and that was another grievance. That was very good for the girls to get pay from the tailors that the tailors would get their envelopes from the office. When the girls would have to count their pay with the tailors. The girls could not get their pay on the street then—that was very nice of it, too, because the foreman would want to go home. His time was up and he would holler, "You people, it is time to get out, and I want to go home." He did not listen, he did not care whether the finisher got paid or not.

Acting Chairman WEINSTOCK. I am interested, Miss Stein, in knowing what is the spirit of the women workers in your work, and to get at that let me recite a circumstance that came under my notice in my own city of San Francisco. I attended a public discussion that was called by one of the women's clubs in San Francisco in order to afford the employers and the workers in the city industry who were on a strike an opportunity to present their grievances to the public. One of the leading employers, while addressing the audience, made the statement that his people had no grievances; that the strike was due to a spirit of revenge on the part of a young woman who was formerly in his employ and who was now the secretary of the union. And he went on to recite that she had been the forewoman in the shop, but that she was not satisfactory and therefore he had reduced her to the ranks. That then she willfully, knowingly, intentionally, and deliberately wasted her time and proved very unfaithful and that he discharged her for being unfaithful. That she then swore revenge and, being a very clever woman with powers of public speaking, she created this agitation among the workers and it ended in a strike. That employer was followed on the platform by this very young woman, who publicly made this statment. She said: "You heard my employer say that I was discharged for being unfaithful. I admit it. I was unfaithful. And what is more I propose to continue to be unfaithful to my employers; and I advise every one of my fellow workers likewise to be unfaithful to their employers." Now, does that spirit prevail among your workers here, a spirit of unfaithfulness to their employers?

Miss STEIN. Well, I—you mean the conditions and girls——

Acting Chairman WEINSTOCK (interrupting). Give the employer just as little as possible for his money?

Miss STEIN. Oh, no.

Acting Chairman WEINSTOCK. That does not prevail here?

Miss STEIN. No. They get a square deal here.

Acting Chairman WEINSTOCK. The girls here are faithful to their employers?

Miss STEIN. Yes; but the employers are not faithful to the girls.

Acting Chairman WEINSTOCK. The employers are not faithful to the girls?

Miss STEIN. No, sir.

Acting Chairman WEINSTOCK. Where do they fall down?

Miss STEIN. Well, in this cloak industry the foreman or the designer uses very bad language to the girls, especially, and as far as the conditions in the shop, which you call sanitary conditions, is very far from it in the city of Philadelphia, in the cloak industry.

Acting Chairman WEINSTOCK. Is there not a factory inspector employed by the city or the State to look after conditions in the factory?

Miss STEIN. Maybe it is, but it was not looked up, to my opinion, very good. As it is here, the cloak factories—it is very small shops—and the girls would sit together—right close to the men—you will excuse me—the toilet is right in front, and the shops—the toilets for men and women one.

Commissioner O'CONNELL. Here in the city they have such an arrangement where there is no separation of the toilets?

Miss STEIN. Yes, sir.

Commissioner O'CONNELL. Have you worked in those places?

Miss STEIN. No, sir.

Commissioner O'CONNELL. Have you seen those places yourself?

Miss STEIN. Yes, sir; I have seen a place, not as this, but I know the facts. I know the girls working there at this time you want.

Acting Chairman WEINSTOCK. Is there a city factory inspector, so far as you know?

Miss STEIN. Well, I haven't seen any.

Acting Chairman WEINSTOCK. Is there a State factory inspector?

Miss STEIN. I don't know; not as I know of.

Acting Chairman WEINSTOCK. Well, if there is, the gentleman behind you shakes his head affirmatively.

Mr. GRAY. Mr. Leightner, of the department, is sitting here now. He is one of the State factory inspectors.

Acting Chairman WEINSTOCK. Will you throw some light on that?

Mr. LEIGHTNER. On what date is the lady giving her testimony about? Is it now or was it previous to the strike?

Miss STEIN. Well, it is previous. As I heard, it is now going on at that same place; I can name the man.

Acting Chairman WEINSTOCK. Will you please name the place?

Miss STEIN. Greengross, on Market Place, and he has one toilet for men and women—212 Market.

Mr. LEIGHTNER. I have 18 inspectors. Personally, I very seldom get around, but I will say for the benefit of the commission that to date we have put in 612 toilets in this city and we have not been here a year yet.

Miss STEIN. That may be so.

Commissioner O'CONNELL. Will you see that that particular shop is looked into?

Mr. LEIGHTNER. What is the name?

Miss STEIN. Greengross, 212 Market Place.

Mr. GRAY. Mr. Leightner took this matter up with us some time ago, but this condition she described existed in 6 out of 10 shops in the city of Philadelphia before this was taken up. Mr. Leightner has taken it up, and he is helping wonderfully.

Acting Chairman WEINSTOCK. That is all, Miss Stein. Thank you very much.

Before adjourning, on the part of the commission I want to express its appreciation for the very kind and fair and generous treatment it has received at the hands of the press of the city of Philadelphia. I know of no city where we have conducted hearings where we have received a squarer deal from the press and where the press has aided it more generously than it has right here, in spreading the information that has been gathered in this room; and we feel it is due to the press of Philadelphia to make this statement to show that we are not altogether unmindful of the treatment received at their hands.

Dr. MOSES STEARN. Gentlemen, I have been living downtown 35 years, and I want to show how the landlords treat the people, how the toilets are 16 inches apart, four are now where two used to be——

Acting Chairman WEINSTOCK. The matter is in the hands of the inspector and you better go to him.

Dr. STEARN. I would like to give it to him publicly.

Acting Chairman WEINSTOCK. That is hardly necessary.

Dr. STEARN. I would like to speak on three things.

Acting Chairman WEINSTOCK. We are sorry, but Commissioner O'Connell takes the train in 15 minutes, and we can not prolong the hearing.

Dr. STEARN. We can spare him.

Acting Chairman WEINSTOCK. The commission stands adjourned.

(Thereupon, at 4.20 p. m., Tuesday, June 30, 1914, the hearing adjourned.)

EXHIBITS.

AMDUR EXHIBIT NO. 2.

Novelty Cloak & Suit Co.

	How long in trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average earned.	Number of persons dependent upon this salary.	Number of hours worked in season.	Were prices settled.	Length of season.	Remarks.
Girl finisher	3 years	3 years	$7.00	$7.00	$7.00	Parents	From 7 a. m	No	Steady	First-class finisher.
Do	do	6 months	6.00	6.00	6.00	do	do	No	do	Do.
Finisher	16 months	1 month	6.00	6.00	6.00	do	do	No	do	
Gold, skirt maker	2 years	6 months	[1] 15.00	[2] 3.00	8.50		From 6.30 a. m	No	24 weeks	No earnings for 2 weeks.
Myer Machlis, skirt maker	4 years	1 year	21.13	7.26	14.05	Wife and 3 children.		No		Covering 18 weeks of season's busy time.
Partner to Machlis	do	do	21.13	7.26	14.05	Wife and 6 children.		No		
Helper to Machlis	3 years	do	14.09	4.84	9.37	Parents to support		No		
Girl skirt maker	2 years	5 months	[3] 10.00	[2] 3.00	4.60			No		No earnings for 4 weeks.
Molk, cutter	3 years	3 years	[4] 14.00			Wife and 2 children.			Steady	

[1] For 2 weeks. [2] For 8 weeks. [3] For 4 weeks. [4] For the last 1½ years.

M. Glickman, 406 Market Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Overtime paid.	Number of hours worked in the season.	Were prices settled.	Remarks.
A. Cohen, cloak maker	10 years	6 months	$18.00	$2.00	$9.50	Wife and 2 children.	One-half hour for dinner.	Till 9 o'clock p. m. and Sunday.	No	Regular hours, 56.
B. Krashnick, cloak maker	3½ years	3 years	28.00	1.80	12.00	Parents	do	do	No	Do.
S. Dinner, presser	5 years	do	30.00	1.15	10.00	Wife and child	do	do	No	Do.
A. Plane	13 years	11 years	30.00	1.15	10.00	Wife and 4 children.	do	do	No	Do.
L. Hochstein, finisher	6 years	2 years	18.00	1.00	6.00	Old parents	do	do	No	Do.
J. Weinstein, cloak maker	20 years	1 year	[1] 30.00	3.00	12.00	Wife and 4 children.	do	do	No	Do.
O. Levin, skirt maker	15 years	1½ years	26.00	1.60	8.00	Wife and 5 children.				Worked on foot power from 5.30 till 11.30 p. m. Worked only 12 weeks in season.
J. Berger, cutter	6 years	3½ years	[2] 16.00	10.00	13.00	Wife and 2 children.		Till 9.30 and Sunday.		80 hours in season.
N. Horovitz, cutter	5 years	2½ years	[3] 13.00		9.10	Family of 3		do		80 hours in season; 35 weeks in 1 year.

[1] 1 week.

[2] $19.50 including overtime.

[3] $16 with overtime.

Eclipse Cloak & Suit Co., 1020 Race Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Harry Sage, cloak maker	5 years	5 years	$33.00	$1.60	$10.00		From 7 a. m.	No		
Nathan Rifton, skirt maker	9 years	7 years	32.00	1.56	12.00	Wife and 2 children.	From 7 a. m.; one-half hour for dinner.	No		
Sara Berlin	3 years	3 years	10.00	1.00	3.50	Old mother	do		22 weeks	
H. Levin, cutter	9 years	9 years	17.00	6.00	14.00	Wife and 2 children.	do		Steady	
Chas. Kean, trimmer	4 years	4 years	13.00	13.00	13.00		do		do	
Forman, cutter	2½ years	1½ years	9.00	9.00	6.00	Wife and 3 children.	do			Laid off for 9 weeks after every season.

J. Sporkin & Sons, 536 Arch Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
L. Goldstein, cloak maker	8 years	6 years	$40.00	$1.00	$18.00	Wife and 6 children.	7 a.m. to 9 p.m. and Sunday.	Yes		Worked with his son.
O. Dipperstein	12 years	9 years	20.00	.60	8.50	Wife and 4 children.	do	Yes	24 weeks	Partners.
B. Slodkin			20.00	.60	8.50		do	Yes	do	
Helper to Dipperstein			10.00	10.00	3.90		do	Yes	10 weeks	
L. Dipperstein	8 years	6 weeks	21.00	8.00	10.00	Wife and 6 children.	do	Yes		Worked during busy season only.
M. Boarden, skirt maker	11 years	11 years	32.00	1.00	14.00	Wife and 5 children.	do	Yes		
M. Silverman, cloak maker	2 years	7 weeks	10.00	5.00	6.00	Single	do	Yes		Busy season before calling strike.
Weiner, cloak maker	9 years	1 year	22.00	5.00	12.00	Wife and 3 children.	do	Yes		
P. Pecker, finisher	2 years	2 years	[1] 16.00	.18	5.00	Wife and 2 children.	do	Yes		With girl for 9 weeks at $4 per week.
D. Lichtenstein, finisher	6 years	do	13.00	.90	6.00	Single	do	Yes		Nothing at all for 2 weeks.
Roodman, cutter	4 years	4 years	15.00	15.00	15.00	Wife and child				Head cutter; overtime not paid.
Friedman, cutter	10 years	8 years	15.00	15.00	13.85	Wife and 2 children.	7 a.m. to 9 p.m. and Sunday.			Laid off for 2 weeks in season.

[1] For 1 week.

Fitzgerald & Kelly, 1020 Race Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Harry Nulavsky, coat maker	6 years	2years	$33.15	$0.90		Wife and child	50 hours regular and overtime.	Yes		Tailor in the old country.
Harry Kravitz, coat maker	9 years	do	35.00	1.00	$14.00	Wife	do	Yes		Best operator.
Dave Dveris, coat maker	11 years	1 year 9 months.	27.00	1.00	10.00	Wife and 2 children.	do	Yes		
Jacob Dveris, coat maker	do	do	27.00	1.00	10.00	Wife and 4 children.	do	Yes		
Louis Soloff, coat maker	6 years	5½ years	35.00	.90	11.00	Wife and 2 children.	do	Yes		Tailor over 40 years.
Sam Kravitz, skirt maker	7 years	2½ years	40.00	2.00	20.00	do	do	Yes	Steady	Worked steady; best skirt maker.
Rosa Weiss, skirt finisher	5 years	3 years	14.00	.25	4.00		do	Yes	4 months	
Sam Fox and daughter, finisher	7 years	7 years	18.00	.10	5.50	Wife and 4 children.	do	Yes	36 weeks	Tailor of old country.
Harry Slutzker, skirt maker	7½ years	5 years	[1] 35.00	1.65	15.00	Old parents	do	Yes	22 weeks	Sample skirt maker.
Katie Keller, finisher	2½ years	9 months	12.00	1.50	6.00		do	Yes		Did not work during slow time.
Chas. Cohen, coat maker	6 years	10 months	28.00	3.00	10.00	Wife and 3 children.	do	Yes	22 weeks	
Layefsky, finisher	8 years	1 year	[1] 9.00	.90	3.00	Wife and 1 child	do	Yes	21 weeks	Did home work.
Hyman Joffe, presser	7 years	1½ years	[2] 28.00	[3] 3.00	9.50	Wife and 2 children.	do	Yes	26 weeks	
Nathan Greenberg, presser	6 years	6 months	[1] 24.00	3.00	9.00	do	do	Yes	do	
Hyman Appelbaum, under presser	7 years	4 years	[1] 18.00	.70	5.00	Wife and 1 child			23 weeks	

[1] For 2 weeks. [2] For 3 weeks. [3] For 5 weeks.

Cohen Bros., 931 Market Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Litofsky, cloak maker	9 years	3 months	$19.00	$2.00	$10.00	Wife and child	54 hours and overtime.	No	Busy season lasts 6 to 7 weeks.	Prices considerably reduce in the slack season.
Morovitz, presser	27 years	18 months	20.00	2.50	7.00	Wife and 2 children.	do	No	do	Do.
Salzman, cloak maker	3 years	2½ years	24.00	2.10	7.50	Wife and children	do	No	do	Do.
Goldman, cloak maker	do	1½ years	18.00	1.10	6.00	Wife and 5 children.	do	No	do	Tailor in the old country.
J. Shleifer, cloak maker	4 years	35 weeks	15.00	2.00	5.50	Wife and child	do	No	do	
Louis Zion, cloak helper	6 months	11 weeks	[1] 5.00	[2] 1.00	2.10	One	do	No	do	1 week 5, 1 week 2, 1 week 3, 1 week 4=14. 7 1 week, 7=21.
Poflofsky, Victoria, skirt maker	do	3 months	6.50	5.00	5.75	do	do	No	do	Woman.
Ida Solerof, finisher	4 years	4 years	16.00	1.00	6.00	Mother to support	do	No	do	Did not work 2 weeks after season.
Minnie Krautz, finisher	1 year	6 months	16.00	2.75	6.25	do	do	No	do	Do.
Frank Glassman, cloak maker	2 years	1 year	[1] 27.00	2.50	8.00	Old parents	do	No	do	Tailor of old country.
Leonbrof, cloak maker	3 years	5 months	18.00	3.00	7.00		do	No	do	9 weeks no work.
Jacob Farber, presser	8 years	3 years	[3] 25.00	[4] 1.75	11.50	Wife and child	do	No	do	
Dave Katz, assistant cutter	6 months	6 months	[1] 3.00	[5] 2.00	1.75		do	No	do	Worked 4 weeks for nothing.
Leon Goldberg, trimmer	2 years	9 months	4.00	4.00	4.00					Overtime, $1.25 for 4 nights and Sunday.

[1] For 1 week. [2] For 7 weeks. [3] For 2 weeks. [4] For 3 weeks. [5] For 20 weeks.

L. Casner, 728 Cherry Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Sam Krafzof, cloak maker	7 years	2 years	$24.00	$4.00	$13.00		54 hours and overtime.	No	Steady	Sample maker.
Morris Turin	21 years	do	[1] 35.00	4.00	10.00	Wife and 4 children.	do	No	21 weeks	
M. Nilberg, presser	5 years	do	25.00	4.00	11.00	Wife and 2 children.	do	No	do	
R. Nisson, finisher	8 years	1 year	14.00	.25	6.00	Old parents	do	No	do	

[1] For 1 week.

Adler & Eisenberg, 706 Market Street.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Overtime paid.	Length of season.	Remarks.
Weinberg, cloak maker	4 years	2½ years	$15.00	$12.00	$9.25	Wife and child	54 hours and overtime.	Time paid for overtime.	16 weeks	
Alex Ruder, cloak maker	3 years	6 months	14.00	14.00	11.75	Single	do	do	22 weeks	
Morris Baratz, cloak maker	9 years	4 years	25.00	25.00	25.00	Wife and 2 children.	do	do	Steady	Foreman.
M. Schwartz, cloak maker	4 years	do	15.00	15.00	9.25	Single	do	do	16 weeks	
S. Schwartz, cloak maker	8 years	do	18.00	18.00	13.40	do	do	do	21 weeks	
A. Adler, cloak maker	4 years	do	17.00	17.00	17.00	Wife and 3 children.	do	do	Steady	Brother to Adler.
Hersha, skirt maker			5.00	5.00	5.00	Wife and 4 children.	do	do		
H. Rudolph, cutter	4 years	6 months	18.00	18.00	8.25	Single	do	do	12 weeks	
M. Lukin, cutter	1 year	1 year	12.00	12.00	6.35	do	do	do	14 weeks	
H. Pertz, presser	5 years	3 years	12.00	12.00	6.25	Married	do	do	do	
J. Raskof, presser	do	2 years	15.00	12.00	8.65	Wife and 3 children.	do	do	15 weeks	
D. Zabor, presser	2 months	2 months	6.00	6.00	6.00	Wife and 4 children.	do	do		Only worked 2 months.
N. Rudberg, presser	2½ years	1½ years	10.00	10.00	6.25	Wife and 5 children.	do	do	16 weeks	

A. Leis, presser	17 years	2 years	14.00	14.00	8.00	Wife and 3 children.	do	No	14 weeks	
Hechlinger, presser	7 years	3 months	12.00	12.00	6.45	Single	do	No	do	
Schuman, presser	40 years	3 years	16.00	16.00	8.00	Wife and 3 children.	do	No	13 weeks	
Feldman, finisher	4 years	4 years	16.00	16.00	10.00	Wife	do	No	16 weeks	
M. Ruden, finisher	6 years	6 months	[1] 9.00	9.00	5.60	Wife and children	do	No	do	Did not work on Saturday.
A. Titelman finisher, girl	4 years	2 years	7.00	7.00	4.35	Single	do	No	do	
Etta Dubik, widow	2 years	do	9.00	9.00	5.60	2 children	do	No	do	
Bessie Minsky	1 year	6 months	5.00	5.00	3.15	Single	do	No	do	
Annie Shmuckler	3 years	1½ years	8.00	8.00	4.35	do	do	No	14 weeks	
Fannie Rosenthal	do	do	7.00	7.00	3.75	do	do	No	do	
Hyman Benn, skirt maker	5 years	2 years	12.00	12.00	6.30	do	do	No	do	
Sam Weissman, presser	7 years	3 years	16.00	16.00	13.50	do	do	No	22 weeks	

[1] For 5 days.

Sacks Bros., 1228 Cherry Street.

	How long in trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Remarks.
B. Katzen, cloak maker: No. 8	9 years	9 years	$17.95	$1.60	$8.17	Wife and 2 children.	7 a.m. to 8 p.m. and Sunday.	No	Book covers 14 weeks of dull time.
No. 27	23 years	6 months	29.25	2.55	10.55	Wife and 4 children.	do	No	Book covers time, Apr. 22–July 7.
Finisher, No. 27			11.10	.90	3.70	Single	do	No	Do.
Finisher, No. 8			6.60	.60	3.45	do	do	No	Book covers time, Apr. 12–July 7.
Sam Rakof, No. 62	9 years	2 years	50.70	3.80	24.12	Wife and 1 child	do	No	Book covers time, Oct. 12–Apr. 19; busy season.
Finisher, No. 62			15.20	1.20	7.95	Single	do	No	
Joe Morris, skirt presser, No. 221	4 years	3 years	31.96	1.82	13.34	Wife and 5 children.	do	No	Book covers 70 weeks, Feb. 24, 1912–July 12, 1913.
Louis Rhode, presser, No. 214	9 years	8 years	20.76	.99	10.64	do	do	No	Book covers 55 weeks, June 22, 1902–July 12, 1913.
Cloak maker, No. 42			35.85	2.85	17.44		do		Book covers 28 weeks, July 13, 1912–Jan. 25, 1913.
Finisher, No. 442			14.90	.60	6.38	Supports parents	do		Do.
I. Duleny, No. 53			44.45	1.60	14.43		do		Book covers 16 weeks, Mar. 10, 1913–July 12.
Presser, No. 210			26.33	.67	12.37		do		Book covers 56 weeks, June 23, 1912–July 12, 1913.
Morris Lozinsky, presser	22 years	8 years	21.00	.75	8.50	Wife and 3 children.	do		10 weeks during year no earnings at all.
Morris Turoff, presser	4 years	3 years	26.00	.67	10.00	Single; supports parents.	do	No	Did not work for 8 weeks at all.
A. Rhode, worked with helper	12 years	12 years	35.00	2.00	15.00	Single	do	No	
Ida Sterenberg, finisher	6 years	6 years	20.00	5.00	11.00		do	No	Worked on samples.
Katie Giventer, skirt finisher	do	do	15.00	.12	7.50	Support of family	do	No	
Jacob Shulman, skirt maker	14 years	10 years	40.00	.25	13.10	Wife and 1 child	do	No	
Woodman, cloak presser	8 years	2½ years	20.00	1.50	10.00	Wife and 3 children.	do	No	8 weeks did not work at all.
W. Peper, wife and children	5 years	do	[1] 32.00	5.00	15.00	Wife and 2 children.	do	No	Sample presser.
Rabinovitz, worked with helper	15 years	13 years	40.00	5.00	20.00	Wife and 3 children.			Worked on samples at $10 during dull season.
Mike Rhode, worked with helper	17 years	17 years	50.00	1.75	19.00	Wife and 4 children.			
Z. Indictu, worked with daughter	4 years	4 years	35.00	1.70	17.00	do			4 weeks during year had no work at all.
Oscar Krautz, presser	8 years	2½ years	68.00	7.00	22.00	Wife and 3 children.			Worked for Markman's brother.

Sophie Moscovitz, finisher	1 year	1 year	8.00	5.00	6.00	Single			Laid off for 1 week.
Rose Shandle	3 years	....do	16.00	1.50	7.50	Supports family			
Cohen Azer, No. 47, with helper			54.60	2.00	27.72				Book covers 19 weeks.
Finisher, No. 47			17.60	.80	8.40				Do.
Cloak maker, No. 61			20.25	2.10	9.00				Book covers 60 weeks.
Finisher, No. 61			8.11	1.00	3.63				Do.
Fishel Sacks, presser	8 years	8 years	36.00	1.75	11.00	Wife and 5 children.			10 weeks nothing at all.
Sam Fleishman, skirt maker	....do	1½ years	[1] 20.00	1.20	9.00	Wife and 3 children.			
Louis Segal	5 years	5 years	20.00	.35	7.00	Wife and children			8 weeks nothing at all.
Nathan Sirot, cloak presser	9 years	4 years	26.00	.70	8.50	Single			
S. Purevitz, skirt maker	5 years	5 years	45.00	.70	12.00	....do			8 weeks nothing at all.
Goldberg	14 years	9 years	[2] 110.00	12.00	27.00	Wife and 2 children.			Received pay for partner and finisher on same book.
J. Sukman, cloak maker	8 years	7 years	35.00	10.00	22.00	....do			Worked on samples during slack time at $18.
M. Eisenstein, presser	18 years	3 years	[3] 30.00	1.50	14.00	Wife and 4 children.			
S. Gold	1 year	1 year	13.00	1.00	4.00	....do			
Morris Sharof, skirt maker	11 years	9 years	28.00	1.35	11.00	Wife and 3 children.			Nothing at all for 5 weeks.
M. Shwartz, finisher	3 years	6 months	15.00	5.00	8.50	Support of parents.	7 a. m. to 8 p. m. and Sunday.	No	Worked during busy season.
Ida Shulz, cloak finisher	....do	3 years	13.00	1.00	6.00	....do		No	6 weeks did not earn anything.
M. Dorfman, presser	6 years	2 years	[1] 25.00	1.70	10.00	Wife	7 a. m. to 8 p. m. and Sunday.	No	
Mali Cohen, finisher	4 years	4 years	7.00	6.00	6.25	Supports a home	....do	No	Laid off for 2 weeks.
Poly Katzky, finisher	6 years	5 years	17.00	.25	6.00				4 weeks did not earn anything.
Lina Cohen, finisher	....do	6 years	20.00	.25	8.00	Supports a home			8 weeks did not work.
Mali Cohen, skirt finisher	3 years	1 year	15.00	.09	3.00				Did not work during year for months.

[1] For 1 week.

[2] On book; $60 for himself.

[3] For 2 weeks.

J. Dittman, 1315 Cherry Street.

	How long in trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Remarks.
Pressman, trimmer	4 years	3 years	$12.00	$8.00	[1] $12.00	Single	Week worker; was not paid for overtime.		Steady; head trimmer.
Harry Kraugl, cutter	5 years	2 years	18.00	13.00	13.20	Support for family	do		Laid off 14 weeks during 1 year.
L. Strous, cutter	3 years	1 year	18.00	12.00	15.25	Wife and 3 children.	do		Laid off 8 weeks during 1 year.
H. Kline, cutter	10 years	2 years	20.00	20.00	14.60		do		Laid off 14 weeks during 1 year.
Mikelson, cutter	16 years	2½ years	18.00	[2] 15.00	15.00	Wife and children	do		Laid off 8 weeks during 1 year.
M. Slonemsky, trimmer	4 years	1½ years	12.00	10.00	9.75	Single; supports parents.	do		Laid off 10 weeks during 1 year.
Chas. Erskovitz, trimmer	do	3 years	14.00	12.00	[1] 14.00		do		Steady.
Gerson, tailor	20 years	do	40.00	10.00	13.00	Wife and 4 children.	do		3 months nothing at all.
A. Gomer, presser	2½ years	1½ years	18.00	3.00	10.00	Wife and child	do		
John, presser	12 years	do	25.00	3.00	13.00	Wife and 2 children.	do		
H. Weinstein, cloak maker	25 years	3 years	80.00	22.00	38.00	Wife and 5 children.	7 a. m. to 8 p. m. and Sunday.	Yes	Best operator.
Helper to Weinstein			[3] 18.00	15.00	10.65	Single	do	Yes	35 weeks per year.
Finisher to Weinstein	7 years	3 years	28.00	4.00	10.00	do	do	Yes	Worked on samples.
Shlachter, skirt maker	13 years	2 years	[4] 42.00	2.00	20.00	Wife and 4 children.	do	Yes	
Frank Levy, cloak maker	12 years	2½ years	40.00	5.00	25.00	Wife and 3 children.	do	Yes	No earnings for 2 weeks.
Medrash, cloak maker	do	3 years	40.00	3.00	13.00	Wife and 4 children.	do	Yes	4 weeks during year no earnings.
Nathan Berlin, presser	4 years	2 years	25.00	2.00	14.50	Single	do	Yes	
Dan Bogomolnick, presser	3½ years	1½ years	24.00	1.30	10.00	Wife and 4 children.	do	Yes	Nothing at all for 8 weeks.
Shechtman, presser	4 years	1 year	26.00	2.00	10.50	Single	do	Yes	Do.
Sophie Villoff, finisher	2½ years	do	16.00	2.00	7.50	Supports parents	do	Yes	Nothing at all for 6 weeks.
Anna Rotenberg, finisher	3½ years	1½ years	18.00	.45	7.50	do	do	Yes	Do.
J. Levy, skirt presser	16 years	3 years	33.00	1.50	14.50	Wife and 4 children.	do	Yes	Do.
Ester Walsh, button sewer	1½ years	6 months	6.00	6.00	4.50	Support of family	do		Laid off 3 months during year.
Sara Levin, finisher	do	1½ years	12.00	.45	5.00		do		Did not work 2 months during year.

[1] For the last year. [2] In slack time. [3] Including overtime. [4] For 5 weeks.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
Myer Rosen, presser No. 181	6 years	4½ years	$25.17	$2.30	$12.82	Sick wife and child	7 a. m. to 8 p. m. and Sunday.	No	24 weeks	
Dowe Cohen, operator No. 2	do	3 years	41.09	1.96	20.00	Wife and child	do	No	Book covers 32 weeks.	Best operator.
Dowe Cohen, helper No. 2			17.61	.84	8.45		do	No	do	Do.
Finisher, No. 2			16.80	.90	7.92		do	No	do	Do.
A. Sobel, operator No. 26	7 years	2½ years	25.35	2.50	12.74	Wife and 2 children.	do	No	Book covers 33 weeks.	
Finisher, No. 26			7.80	.60	3.73		do	No	do	
Jacob Ostrich, No. 30			[1] 38.85	[1] 4.25	[1] 17.50	Wife and 6 children.	do	No	Book covers 40 weeks.	
Abe Dernis						Wife and 5 children.				
Finisher, 2 for a time			[1] 11.60	[2] 1.40	[1] 5.29		do	No	do	
M. Davidson, No. 43	13 years	1 year	24.84	1.25	11.97	Wife and 2 children.	do	No	Book covers 20 weeks.	
Helper, No. 43			12.41	.66	6.00		do	No	do	
Finisher, No. 43			14.70	.60	5.30		do	No	do	
D. Rommi, No. 23	9½ years	3 years	16.44	2.49	8.23	Wife and 2 children.	do	No	Book covers 13 weeks.	
Helper, No. 23			10.96	1.66	5.48		do	No	do	
Finisher, No. 23			7.50	1.20	3.80		do	No	do	
M. Silverman, No. 67	7 years	1 year	25.77	1.10	13.47	Single	do	No	Book covers 38 weeks.	
Partner, No. 67	6 years	do	25.77	1.10	13.47		do	No	do	
Furnisher, No. 67			14.70	.90	6.76		do	No	do	
Sam Newman, No. 39	25 years	6 months	21.27	2.65	12.00	Wife and 3 children.	do	No	Book covers 25 weeks.	
Partner, No. 39			21.27	2.65	12.00		do	No	do	
Furnisher, No. 39			11.40	1.50	6.40		do	No	do	
Charles Sladko, No. 187	11 years	2 years	25.42	3.15	12.42		do	No	do	
Herskof, No. 187			25.42	3.15	12.42		do	No	do	
Dimmerman, No. 187			13.00	10.00	5.50		do	No	do	Worked 11 weeks during a period of 25 weeks.
Joe Lubin, No. 187			13.00	10.00	5.10		do	No	do	Worked 10 weeks during a period of 25 weeks.

[1] For 2 weeks.

[2] For 1 week.

N. Cramer & Sons, 1427 Vine Street—Continued.

	How long in the trade.	How long with employer.	Highest amount earned.	Lowest amount earned.	Average amount earned during the year.	Number of persons dependent upon this salary.	Number of hours worked in the season.	Were prices settled.	Length of season.	Remarks.
M. Trachtenberg, No. 174	6 years	1 year	$29.80	$4.40	$15.42	Wife and 3 children.	7 a. m.–8 p. m. and Sunday.	No	Book covers 20 weeks.	
Helzer, No. 174			15.00	4.40	9.03		do	No	do	Did not earn anything for 2 weeks.
W. Goranich, presser	3 years	1½ years	[1] 16.00	.65	8.00	Wife and 3 children.			24 weeks	Do.
S. Steinberg, skirt maker	10 years	do	[2] 33.00	[3] 6.00	12.00	Wife and 4 children.			do	
H. Polakoff	4 years	3 years	25.00	2.00	10.50				20 weeks	
Back man	2 years	2 years	18.00	4.00	8.50	Wife and 3 children.	7 a. m–8 p. m.	No	22 weeks	
Finisher to back man			13.00	3.00	6.15		do	No	do	
Harry Levin, presser	3 years	18 months	16.00	.60	6.50	Wife and 2 children.	do	No	20 weeks	
J. Robinovitz, presser	do	3 years	16.00	4.50	9.00	do	do	No		Sample presser.
A. Silver, presser	do	2½ years	18.00	1.00	10.00		do	No		
R. Merzkof, operator	9 years	3 years	[2] 35.00	1.00	9.75	Wife	do	No	23 weeks	Partners.
J. Merzkof, operator	6 years	do	[2] 35.00	1.00	9.75	Wife and child	do	No	do	
M. Kaufman, presser	1 year	1 year	9.00	1.00	5.00		do	No		
Mary Aichenthal, finisher	2 years	2 years	12.00	.69	5.00	Married woman	do	No	20 weeks	
Jenny Sofransky, finisher	6 years	do	10.00	1.50	4.50	Single	do	No		Lost $200 of own money during time worked for Cramer.
Jenny Mosesof, finisher	4 years	1½ years	18.00	1.75	6.00	do	do	No	23 weeks	
Dora Stresnick, finisher	1 year	1 year	7.00	2.00	3.00	do	do	No	14 weeks	
Ida Thomas, finisher	2 years	do	7.00	7.00	6.00	do	do	No	23 weeks	
Irene Thomas, finisher	do	do	7.00	7.00	6.00	do	do	No	do	
Sarah Moscovitz, finisher	3 years	2 years	18.00	3.00	5.25	do	do	No	20 weeks	
Goldie Moscovitz, finisher	4 years	4 years	18.00	3.00	5.25	do	do	No	do	
Clara Borochovitz, finisher	1½ years	1½ years	7.00	2.50	3.40	do	do	No	18 weeks	
Sara Stutman, finisher	6 years	6 years	20.00	4.00	8.00	Old mother	do	No	22 weeks	
Sara Stutman, finisher	8 years	8 years	15.00	5.00	9.00	Single	do	No		Sample maker.
Isaia Israelovitz, finisher	5 years	5 years	32.00	1.00	15.00					Worked with 4 girls in season, retained 2 in slack time, wife and 3 children.

[1] With overtime. [2] For 2 weeks. [3] For 8 weeks.

CUTTERS.

	How long in the trade.	How long with last employer.	Wages earned per week.	Length of season.	When last laid off.	Average amount earned.	Number of persons dependent upon salary.	Number of hours worked in the season.	Overtime paid.	Remarks.
Sam Shore	11 years	6 years	$20.00	4½ months		$15.00	Wife and 3 children.	54 hours and overtime.	Time	
Norris Rudolph		4 years	20.00	do		15.00	Wife and 1 child.	do	do	
Joe Eisenberg	12 years	2 years	20.00	do		15.00	do	do	do	
Savitz, trimmer		2½ years	14.00	do		10.25	Single	do	do	
Hyman Saxe	3 years	3 years	15.00	do		11.00	Wife and 1 child.	do	do	
Kirstein		2½ years	18.00	Steady		18.00		do	do	
Sam Seifer	3 years	3 years	16.00	4½ months		11.70		do	do	
Mosesoff	4½ years	3½ years						do	do	
Goldberg Frank	11 years	9 years	20.00			15.00	Single	do	do	
Hyman Rudolph		3½ years	8.00	Steady		8.00	Mother	do	do	
Max Rudolph		do	8.00	4½ months		5.85	Single	do	do	
Jacob Ackoff	4 years	1 year	12.00	do		8.75	do	do	do	
Leof Rhode	1 year	do	4.00	Steady		4.00	do	do	do	
H. Brownstein	3½ years									
Myer Wentroub	6 years	10 weeks	12.00	40 weeks for 1 year.	About end of April.	9.25	Wife	50 hours	Yes	Fitzgerald & Kelly.
Myer Cohen	2 years		10.00	6 months in 1 year.	do	5.00	Single	55 hours	Time	Eclipse Cloak & Suit Co.
B. Cohen	4½ years	3 years	18.00	7 months during last year.	do	10.50	Wife	54 hours	do	H. F. Frank & Co.
F. Bushlovitz	2 years	35 weeks	12.00	35 weeks in 1 year.	Before strike	8.00	Single	56 hours	do	Saichick Bros.
Yoder	1 year	1 year	8.00	Steady	do	5.00	do	do	do	Singer Bros.
Jul. Feinman	6 years	6 months	16.00	3 months	do	8.00	Support of family.	do	do	English Cloak.
J. H. Sherman, head cutter	8 years	7 months	18.00	Steady	do	18.00	do	do	do	Seizchick.
Geo. Forman	3 years	3 months	18.00	Went out on strike.	3 months	9.00	do	do	Time and half.	Slezin.
Sam Goldberg	do	2 years	12.00		do	9.00	do	58 hours	do	Goldman.
Jacob Brown	7 years	14 weeks	15.00	14 weeks		8.00	Parents		do	Bercovitz.
Abe Cohen	3 years	4 months	16.00	4 months	End of April	10.30	do	56 hours	do	Brown Bros.
H. Markofsky	24 years	All time	16.00	Steady		16.00	Wife and 6 children.	54 hours	Time	Blum Bros.
J. Miller	15 years	9 months	16.00	9 months		12.00	Wife	do	do	Do.
J. Steinberg	8 years	3 months	18.00	3 months		9.00	Single	53 hours	Time and half.	Betelhein & Co.
H. Benjamin	5 years	2 years	15.00	do		7.50	Wife	do	do	Do.

INDUSTRIAL CONDITIONS AND RELATIONS IN CHICAGO

(For exhibits under this subject, see pages 3445 to 3457)

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, ILL., *Tuesday, July 21, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Commons, Delano, Weinstock, Ballard, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Mr. Chairman, the second witness on the list for to-day has to leave very soon. I have agreed to put him on first in place of Mr. Walker.

Chairman WALSH. What is that? I could not hear you.

Mr. THOMPSON. The second witness has to leave very early, and I will substitute him in place of the first witness.

Chairman WALSH. Who is that?

Mr. THOMPSON. Mr. Piez.

TESTIMONY OF MR. CHARLES PIEZ.

Mr. THOMPSON. Will you give your name and your address and occupation?

Mr. PIEZ. Charles Piez. Do you want my business address?

Mr. THOMPSON. Your busines address.

Mr. PIEZ. Thirty-ninth and Stewart Avenue. I am president of the Link Belt Co.

Mr. THOMPSON. What business is the Link Belt Co. engaged in?

Mr. PIEZ. It is engaged in the manufacture of sprocket chains; the manufacture of conveying and riveting machinery.

Mr. THOMPSON. How large a plant has your company in Chicago?

Mr. PIEZ. A plant employing 800 men.

Mr. THOMPSON. Has the company a plant elsewhere in this country?

Mr. PIEZ. A plant in Philadelphia, employing about 600 men; two plants in Indianapolis, employing about 800 men. We employ about 2,200 men when we are busy.

Mr. THOMPSON. What class of help do you have? I mean, how would they be denominated—machinists, or what?

Mr. PIEZ. We employ the usual crafts that are covered under the name of machinists, metal workers, and pattern makers.

Mr. THOMPSON. How long has your company been in business in Chicago and in the other cities?

Mr. PIEZ. I think we were organized about 40 years ago. The plant in Chicago was built about 34 years ago.

Mr. THOMPSON. How long have you been president of the company, and how long also have you been connected with it?

Mr. PIEZ. I have just finished my twenty-fifth year in the employ of the company; I have been president for eight years—eight and one-half years.

Mr. THOMPSON. During the existence of your company, while you have been president, have you made a study of the labor problems, so far as they relate to your company?

Mr. PIEZ. I have naturally had to do that.

Mr. THOMPSON. During that time have you had any dealings with the organizations of labor commonly styled the unions?

Mr. PIEZ. Yes.

Mr. THOMPSON. Has your firm now got, either in Chicago or in the other cities, any negotiations, any dealings or agreements with organized labor?

Mr. PIEZ. Yes.

Mr. THOMPSON. In what branches of the industry have you these agreements?

Mr. PIEZ. We have understandings rather than agreements; we operate with them. In our erection work we probably have union men in our employ, very

large numbers in Philadelphia and in Indianapolis. We have never been asked to sign any agreements there. We have never had any demand made on us, so we have never inquired whether we had union or nonunion men. We never ask that question when we employ men.

Mr. THOMPSON. That is to say, your shops as now operated are operated under the system commonly called the open shop?

Mr. PIEZ. Open-shop rule.

Mr. THOMPSON. But in no instance do you now have agreements with any trade organization?

Mr. PIEZ. Not with the shop crafts; no.

Mr. THOMPSON. Not with the shop crafts?

Mr. PIEZ. No.

Mr. THOMPSON. Did you at any time have specific agreement with any of the crafts?

Mr. PIEZ. Yes.

Mr. THOMPSON. As such?

Mr. PIEZ. Yes.

Mr. THOMPSON. With whom were they and how long did they exist?

Mr. PIEZ. The first agreement we entered into was with the structural-iron workers' union in New York. At that time Sam Parks was business agent. The agreement then was to the effect that we would employ structural-iron workers in the erection of our structural work, we being permitted to use our own skilled mechanics in the erection of our machinery. Soon after that agreement went into effect we operated or started the erection of a large installation in Brooklyn—the Third Avenue power house. We employed, in accordance with our agreement, structural-iron workers. We also put in our own men to erect machinery. Very soon complaints came from our men that they were being abused, hot rivets were being dropped on them, monkey wrenches and other like articles were being dropped from above—all claiming to be accidental. But when they were remonstrated with a fight ensued and 12 or 13 of our men were hurt and sent to the hospital. I remonstrated with Parks. After that and for a term of years we were absolutely in his grip. We were so tied up with various contracts in New York that we could not declare any degree of independence. It was well known he was a crook, but kept at the head of that institution, and we had to deal with him in accordance with the methods that he outlined, not in accordance with the methods we cared to follow. I got a surfeit of that sort of an agreement, that sort of a one-sided agreement, in my dealings with him. And very shortly after, when we were in shape to do it, we ran several jobs in that territory absolutely nonunion, simply to indicate to him that he could not control us. About the same time or perhaps a little after we entered into a similar agreement with the structural-iron workers in Philadelphia. Mr. McIlvain was at that time the business agent of the union. The same thing happened there. They agreed to permit us to employ our own men, and then insisted afterwards, through various devices, on putting in their men to erect machinery, making it necessary for us to keep skilled men on the job to train their men as to how to set machinery. Some of those men, who were at that time paid 50 or 55 cents an hour—I have forgotten the rate now—could not set up a ratchet drill; many of them had no notion whatever as to the sort of function that sort of device was to be used for. Of course, that sort of an arrangement could not be long endured. We told McIlvain that if that was the way he regarded his agreements we did not care to do business with him any further, and when we made a contract with the Reading Railroad at Norristown we erected it with nonunion men. Mr. McIlvain was foolish enough to take a crowd of his men to Norristown and try to persuade our men, by use of baseball bats, to stop their operations. The result was that some 14 or 16 were put into the hospital. Mr. McIlvain was recognized, and we prosecuted him and sent him to prison.

Commissioner O'CONNELL. When was that?

Mr. PIEZ. This covered a period between 1904 and 1905.

Chairman WALSH. Where was Mr. McIlvain convicted?

Mr. PIEZ. At Norristown.

Chairman WALSH. What was the sentence?

Mr. PIEZ. Six months.

Chairman WALSH. What was the charge?

Mr. PIEZ. Assault and battery.

Chairman WALSH. Proceed.

Mr. PIEZ. In the East no question, either at Philadelphia or Indianapolis, had ever been raised by our shop employees as to any agreement. I have been in active control as chief engineer and superintendent of the company since 1892 and, of course, I came in direct contact with all our employees. The concern was very much smaller at that time than it is now, but at no time then or since then has any demand been made for recognition of the union in Philadelphia or Indianapolis institutions, but such demand was made in our Chicago shop. I have forgotten the exact date.

Mr. THOMPSON. What trades or crafts?

Mr. PIEZ. I think the first demand was made by the machinists. I was not then in charge. It was about in 1900, I think, that the machinists' union became aggressive in Chicago and our men were organized, and I believe we signed an agreement. That agreement in accordance with the statement of our operatives was not lived up to. Men were called out on some of the flimsiest pretexts, about half going out and the other half remaining. Our superintendent, who was convoying some of our men home, was set upon by a riotous mob, some of whom were our former employees.

Mr. THOMPSON. When was that?

Mr. PIEZ. Along in 1901 and 1902. Our superintendent, Mr. McClain, was so badly injured about the face that he carries the scars yet. After that we carried a closed shop and had several strikes——

Mr. THOMPSON. What crafts?

Mr. PIEZ. Twice the machinists and twice the molders.

Mr. THOMPSON. Did you have an agreement with the molders?

Mr. PIEZ. Yes, sir.

Mr. THOMPSON. What time did it begin, and when did it terminate?

Mr. PIEZ. I can't give that now. I can supply it.

Mr. THOMPSON. At least a considerable period—one or two years?

Mr. PIEZ. Yes; a considerable period of time. The first strike of the molders was called by the local and did not have the sanction of the international council or national council, and therefore that was of relatively short duration. The final strike was projected here in 1906 in connection with some general strike that the molders instituted all over the country. There were strikes in Cincinnati and Philadelphia and here. We were one of the victims. But all through that period there had been a steady and insidious reduction in output. I can only give you the very salient facts.

Mr. THOMPSON. In all crafts, or the molders?

Mr. PIEZ. In the machinists and molders. In one particular case it was most flagrant. In the case of the 6-inch rollers, the molding output had been between 90 and 100 of those rollers. The shop steward arbitrarily ordered the production cut down to 60. Our operating officers remonstrated with him and told him 60 was altogether too small an output, and in order to make a demonstration they put in a man who had never been in there, drawn from one of the machine shops. In the first day he put up 90, but in spite of that the 60 remained. Men who were paid full wages turned out productions that, according to the nature of a day's output, represented about one-third of the general day's work in output they ought to roll, varying from 60 to 180.

Commissioner O'CONNELL. Made under similar conditions?

Mr. PIEZ. Exactly the same conditions and same equipment. In the machine shop the statement was made, backed by figures in the East, that the output in the last year of closed-shop operation had been reduced 35 per cent. There wasn't any measure at that time. There wasn't any piece rate. It was very difficult for any foreman in a shop like ours, with many thousands of different operations—it was very difficult for any foreman to tell when he had a reduction of output. We are conscious of this when the cost goes up and the profits go down, and you fall behind in deliveries, and then an investigation reveals there was a reduction of 35 per cent. There had been an agreement signed and it was not lived up to, and we felt, being in a highly competitive business, we could not continue an agreement with an organization which followed monopolistic methods.

Mr. THOMPSON. How long since had it been since these agreements expired, in a general way?

Mr. PIEZ. They didn't expire; they were terminated by the strike.

Mr. THOMPSON. In 1906?

Mr. PIEZ. In 1906. Since then we have been operating under open-shop rules in Chicago.

Mr. THOMPSON. What other, if any, objections have you to the organization of workmen in your shop?

Mr. PIEZ. Absolutely none. We have maintained relations for 16 years with the carpenters and millwrights, of which John Metz is the head. We have had never a word of difference with them.

Mr. THOMPSON. So far as your experience goes, your objections as a manufacturer to the organization in the shop is limited to the fact that the unions restrict output. Are there any others? If so, I would like to have the objections you have as a business man to the existence of unions in your shop.

Mr. PIEZ. The objection is a little broader than that, because your question would indicate—the answer would simply indicate that what we were concerned about was our own profits and that the reduction of output simply reduced our profits. But it goes a good deal further than that. For instance, in our erection work in Chicago, in this district the unions have gotten practically the supreme control of erection conditions. All competitors that come in have to submit to the same rules and regulations we have to. As far as conditions are concerned in Chicago it presents equal opportunities to all of us. But when it comes to inside work we compete with competitors in 12 different cities, mostly smaller ones, where wages are lower and taxes lower and investments in real estate less. We are hampered with all those advantages which they have and we have not because we are in a larger community. Our wages are higher. The only advantage we have is we have a broader labor market and, I think, a more intelligent labor market to draw on. If those men arbitrarily reduced the output and show no sympathy with the problems we have and don't offer to cooperate with us in securing an outlet for our work, then we have to say, "You are not the men we can represent, because we are virtually your agents in dealing with our customers. We are trying to find some opportunity to sell your labor. If you are unwilling to offer the same thing to this man in Birmingham that the man in Columbus offers he is going to take the Columbus man, and we can not do anything to help you. We feel that the employer is really the agent of the employee in dealing with the consumer, the man who buys the products of the employees."

Mr. THOMPSON. Take the question that you spoke of—that you are unable to compete in outside cities with the firms in those cities where they have less rent and less wages to pay and where the living conditions are cheaper than in large cities like Chicago; the inference from your statement, then, would be that the workers in Chicago should work either at reduced pay or increased amount of output, either way you want to put it, in order to enable your firm to compete with these outside firms who have cheaper conditions; is that what you want the commission to understand?

Mr. PIEZ. No; there is another alternative; if they work with greater affectiveness and with a better spirit of cooperation we will more than overcome all the disadvantages we are under. But if they arbitrarily set their measure of what a day's task will be, then the position is hopeless for us.

Mr. THOMPSON. Assuming that your workmen should have the same output that men in smaller cities would have, say, in Davenport or any other town you want to take, how would you equalize the wages in that case in order to permit you to compete with them?

Mr. PIEZ. We have to equalize it by greater effectiveness on the part of the management itself, by better means of exploitation, by producing in larger amounts and getting the benefit of the economy through such increased production.

Mr. THOMPSON. That, then, is your idea of the way in which you can meet the competition of these small towns, by the reducing of the expenses and by better brains in the business?

Mr. PIEZ. And the cooperation of all of our skilled workers; we have to have a loyal spirit on the part of all of our men, and I would sooner be elected president by the men under me than by the board of directors of the company.

Mr. THOMPSON. How would the cooperation of the men working under you affect your business except by giving you a larger output?

Mr. PIEZ. I wish you would please repeat the question.

Mr. THOMPSON. You spoke of the need of cooperation from the workingmen, so far as competing with outside cities is concerned; how would this cooperation show itself other than by producing a greater output of goods per man?

Mr. PIEZ. In the process of making goods, we can not take advantage of this unless we have the hearty cooperation of the men in our employ. If there is a feeling of antagonism against us we can not count on that kind of cooperation, and it is through that sort of thing and principally through the analysis of con-

ditions and problems that exist that we can maintain ourselves against our competitors in the cheaper field.

Mr. THOMPSON. Referring to this proposition of cooperation, in what other respects, if any, do you find that dealing with organizations of labor prevent it?

Mr. PIEZ. I wish you would repeat that, please.

Mr. THOMPSON. Do the organizations prevent cooperation between the firm and your men other than in the question of the restriction of output?

Mr. PIEZ. Well, I think the general spirit of union men is loyalty to the union above anything else.

Mr. THOMPSON. How would that affect the men in dealing with your firm?

Mr. PIEZ. How do you suppose it would affect the effectiveness of an army to have the men composing the army disloyal to the man at the head, or the men in any organization to be disloyal to the man at the head? The men at the head of the various labor organizations insist on loyalty to them, and I have the same right to insist on loyalty to me. I can not get the best work out of the men unless I have their cooperation.

Mr. THOMPSON. I will give you an illustration that may help bring out the thought I have. A man is loyal to his country; a man is loyal to his church. Now, why should there not be, perhaps, the same spirit of loyalty to the firm and of loyalty to the organization? If there can not be, I would like your views on that.

Mr. PIEZ. There can be if there were the right sort of leadership in these crafts. Now, I am talking about the crafts I know about, but there are some crafts that are different; there are some vocations in which the degrees of output do not come up. Take the street-car lines, for instance, and there is a certain possible speed in miles per hour; a trip is a certain number of miles, and there can be in a certain number of hours only a certain number of trips made. There is never any question in that craft as to whether there could be a reduced output. There may be a question as to whether the men should work nine or ten hours a day or as to what they should receive per hour. And in coal mining the questions I have referred to do not apply. There is no question in those crafts as to what constitutes proper measures or standards of work, but in the metal trades, where the tasks vary very much and where we have perhaps seven or eight thousand different instruction cards in our machine shop indicating various processes, that will give you some idea of conditions and variety of work that exist there; and it is absolutely impossible to apply any fixed standard to any such heterogeneous product as that, and there comes in the question of whether an atmosphere of antagonism to the employer on the part of the men does not result in serious hardship to the employer, and it is difficult to say at first whether there is a reduced output because of the attitude of the men, but as they get older and more experienced we see that something is happening to bring about this result, and we have to set about to repair the loss.

Mr. THOMPSON. In the organization you have dealt with, did the union attempt to limit the freedom of the firm in doing its business in other matters?

Mr. PIEZ. Not that I am aware of.

Mr. THOMPSON. They do not undertake to absorb the power of management as far as you know?

Mr. PIEZ. That practically relieves you of all control over the discipline of the shop.

Mr. THOMPSON. Then, to state your position so we have it clear, so far as you have dealt with the organization of labor, you have found three objections. First, they limit the output; second, they create a spirit of antagonism in the shop between those who own and run the shop and the men; and, third, they limit the freedom of the firm in handling its business.

Mr. PIEZ. I should say that your second statement was a corrollary of the first. Naturally, if people set about to reduce the output, there must be a spirit of antagonism engendered in consequence.

Mr. THOMPSON. Taking up the first proposition, what is your opinion of the reason that the union limits the output, or do you believe there is any reason back of their attitude in that respect?

Mr. PIEZ. I believe there is a very good reason back of it from their standpoint. I believe that these gentlemen feel that only by applying the methods of monopoly can they do good to their members. I think it is a wrong viewpoint that they have. I think it is improper leadership. I would be tickled to death if Mr. Fry of the machinists' union would come to me and say: "Mr. Piez, that thing which you are producing for $1 we can show you how to

produce it for 75 cents; what part of the saving can you give us?" But I have never heard any of the gentlemen in the crafts I have had to do with talk of efficiency; that never enters their heads. The question is, "What can we get out of it?"

Mr. THOMPSON. What would you say should be the relations, and how could the people that run the factory deal, with the men that work in it?

Mr. PIEZ. That depends on the individual. I have been very close to our men, and I have never had, except in outside cases where there had been a breach of contract, and I have been in the management of the shop about 25 years, had a strike occur under me. I think my men are absolutely loyal to me, to such an extent that they would elect me to-morrow the business agent of their union, and I feel that that is the way to handle our situation.

Mr. THOMPSON. Perhaps we will all agree with you.

Mr. PIEZ. I have to indulge in these flattering remarks.

Commissioner O'CONNELL. What have you done to avoid this situation?

Mr. PIEZ. I think we have always given them every opportunity; we have reduced their hours from 10 to 9 and have raised their wages whenever conditions made it possible.

Commissioner O'CONNELL. What are you paying them now? What are your skilled mechanics making now?

Mr. PIEZ. That varies with the degree of skill.

Commissioner O'CONNELL. Are they making $5 a day?

Mr. PIEZ. No.

Commissioner O'CONNELL. Are they making $3 a day?

Mr. PIEZ. Our Mr. Dodge submitted to you a list in Philadelphia covering those matters, and I did not understand that I was to furnish this information and did not supply myself with any of those details, and I do not carry the pay of 2,000 men in my head.

Commissioner O'CONNELL. Have you some general idea in your head?

Mr. PIEZ. We pay our day labor more than the prevailing wage. I think we pay all our labor better than the prevailing wage.

Commissioner O'CONNELL. You have some idea as to what the machinists' wages ought to be in Chicago and what they are receiving, don't you?

Mr. PIEZ. I do not feel that there ought to be a uniform wage for machinists.

Commissioner O'CONNELL. What is your high and low rate?

Mr. PIEZ. Our low rate is probably 32 or 33 cents an hour and the high rate 47½ to 50 cents. These operations require all kinds of skill and grades of precision, and we do not pay a uniform rate, and could not.

Commissioner O'CONNELL. That is all.

Mr. THOMPSON. Mr. Piez, going back to the question of the relationship that should exist in the shop between the men who own the factories and run them from the standpoint of the management side and the capital side, what scheme of relationship do you think should exist in the shops throughout the country between those who work and those who manage the business?

Mr. PIEZ. I suppose there can not be any better scheme of relationship than the organization, properly conducted.

Mr. THOMPSON. In other words, that under the proper management the organization—you believe in what we call collective bodies?

Mr. PIEZ. Yes.

Mr. THOMPSON. Now, what is your view of the defect in this scheme of collective bargaining that runs to-day? What is it attributable to? You say, for instance, improper management? Why does that improper management come about in this great organization of labor, from your standpoint?

Mr. PIEZ. I don't want you to so generalize my remarks as to make them apply to other crafts outside of those with which I have come in contact.

Mr. THOMPSON. I will limit them to your experience.

Mr. PIEZ. I know nothing, absolutely, about the condition of the miners. I know absolutely nothing about the condition of the railroad men, except such knowledge as I acquired while sitting on the board of arbitration. But I want my remarks to be applied particularly to the crafts with which I am familiar.

Now, then, repeat your question and I will try to answer, with that limitation.

Mr. THOMPSON. While you in your own shop and in your own business feel from your experience with the unions you have dealt with that it is better not to have organization in your own shops than to have the open rule in the shops, yet you feel and believe the organization is the proper method?

Mr. PIEZ. I say it is.

Mr. THOMPSON. So far as you deal with that in your practical experience, where has the organization fallen down, and give the reason for it.

Mr. PIEZ. What I mean to say is it is better to fight improper methods until they are corrected than to submit to them. I could lead a very much more comfortable existence as a manufacturer if I subscribed to all of the demands that these gentlemen will make; but it is a question whether I would be justified in passing unfair and unjust demands onto our customers. If we were an absolute monopoly, I could do that. We do that in the city of Chicago. We pay the wages that the unions demand. We demand of our customers pay that those wages justify. We do not concern ourselves whether we are looking after the public welfare. But in the competitive field we have got to bear in mind the interest of the consumer, because his interest is ours. We have got to prosper through his favor. And therefore we must resist demands that are unfair and unequal, larger than they should be, larger than they are in comparison with other communities.

Mr. THOMPSON. Mr. Piez, looking at organized labor from the standpoint of democracy, assuming that the unions are democratic institutions composed of men who have the same intelligence and the same instinct that our general voters have, is it not true that such organizations are apt to have the same failures that are evidenced in other democratic conditions?

Mr. PIEZ. Absolutely. I do not oppose them on that account any more than I would argue that we ought to go back to the autocratic form of government because our municipal State and Federal Government is open to criticism. I could and I am perfectly willing to deal with these gentlemen. I am very willing to oppose them when they are wrong, and I am willing to commend them for the good things they have done.

Mr. THOMPSON. Your objection to the organization is purely on what we might say is personal and sporadic grounds. You are not objecting against organizations so managed that to you they have not seemed fair—that you would have been pleased to deal with them if they had been fair?

Mr. PIEZ. They have been absolutely unfair. It was impossible for me to deal with them in these particular cases that I have cited.

Mr. THOMPSON. In the particular cases you have mentioned you draw the line at, but it is only with the union which you otherwise believe in?

Mr. PIEZ. They have never given me an opportunity to do otherwise.

Mr. THOMPSON. Have you any views as to the relative value of piecework and day wage?

Mr. PIEZ. Very decided, naturally. I have very decided views.

Mr. THOMPSON. What are they?

Mr. PIEZ. I think Mr. Dodge, of our company, who is chairman of our board, gave considerable testimony on that point. I do not know whether you want me to repeat it.

Mr. THOMPSON. If your testimony is the same as his was, you need not repeat it.

Mr. PIEZ. I would corroborate what Mr. Dodge has said.

Mr. THOMPSON. It would apply to the premium and bonus system?

Mr. PIEZ. We employ them all. I think each has its place.

Commissioner O'CONNELL. Mr. Thompson, bring that out.

Mr. THOMPSON. Mr. Piez, then your evidence in that respect would be the same as his?

Mr. PIEZ. Absolutely the same.

Commissioner O'CONNELL. Would that be along the line of the Taylor system, the efficiency system laid down by Mr. Taylor?

Mr. THOMPSON. Does your shop here in Chicago operate on the system that Mr. Dodge spoke of in Washington?

Mr. PIEZ. Yes; along the same general lines, with, of course, modifications to suit conditions. We try to determine scientifically what can be done before we attempt to do it.

Commissioner O'CONNELL. Just bring out how you scientifically determine that.

Mr. THOMPSON. Could you tell briefly, Mr. Piez, how you operate your factory on piecework system, and how your efficiency plans are put into effect?

Mr. PIEZ. That is a very comprehensive question, Mr. Thompson.

Mr. THOMPSON. Do you make time studies of operations?

Mr. PIEZ. Yes.

Mr. THOMPSON. Under experts?

Mr. PIEZ. Yes.

Mr. THOMPSON. Well, are tasks such as the result of these time studies?

Mr. PIEZ. Yes. In the first place——

Mr. THOMPSON. When the time is set, do you set or establish a bonus or premium system by which the men may earn more than a certain amount?

Mr. PIEZ. That is the equivalent of that. We pay a piece rate that enables them to make considerable more than the day rate, if they follow the lines laid out. First of all we improve the general conditions in the shop. We improve the routing so that the material will travel through the shortest distance. We establish the very shortest and most unobstructed line from the order department to the shipping room. We endeavor to make a continuous flow through that short and unobstructed.

Mr. THOMPSON. That is the managerial side of the business?

Mr. PIEZ. That is the managerial side of the business. It is necessary. The Taylor system, that is the same of any systematic conduct of business.

Mr. THOMPSON. Referring to the workman side, or the human element in the shop when time studies are made, does the expert employed by the firm make the study, determine the amount of time that would be taken or should be taken in the performance of the task?

Mr. PIEZ. Usually one of our own men who has developed into that position, one of our own workmen.

Mr. THOMPSON. In the shop do you have any methods by which the men themselves may express their opinion in an authoritative manner whether that time set is too short?

Mr. PIEZ. They express them very forcibly to the rate setter.

Mr. THOMPSON. They do?

Mr. PIEZ. And to the foremen.

Mr. THOMPSON. Is it individually, or as committees, or how?

Mr. PIEZ. Individually.

Mr. THOMPSON. And not as committees?

Mr. PIEZ. I do not believe I have ever heard of any committee complaint. We make it a business to heed any complaint, whether individually or by committee, and we feel when we have a set rate concerning which there is any question that the burden of proving the rate is fair is on us. We do not force the man to accept it.

Mr. THOMPSON. If you can tell offhand, I would like you to do so, what percentage of your men earn premiums under the present system.

Mr. PIEZ. Well, Mr. Thompson, I am not quite able to say that, except approximately.

Mr. THOMPSON. You may approximate it.

Mr. PIEZ. On our Philadelphia job, where the work is more repetitive than it is here, the piece rate is very much larger. Here in Chicago we do considerable work that might be described as job work. We do a job once and then do it again. We never on such jobs as that go to the expense of preparing for a regular team of repetitive production. Therefore we have here a great deal of work; I should say fully 50 per cent of our work in Chicago was on the straight daywork scale.

Mr. THOMPSON. Have you any basis established for measuring whether or not a workman does his day's work?

Mr. PIEZ. Only by putting in an efficient construction foreman.

Mr. THOMPSON. That is all?

Mr. PIEZ. That is all.

Mr. THOMPSON. You mean you have no rate for this piecework?

Mr. PIEZ. We can not, because the daywork applies only to the new work, and there we can not predetermine a rate. We can estimate, and we try to come within our estimate, but sometimes our judgment is wrong.

Mr. THOMPSON. Do you believe that unions should be held responsible for the breach of agreement?

Mr. PIEZ. Absolutely.

Mr. THOMPSON. Do you think that such a responsibility is essential to collective bargaining?

Mr. PIEZ. I think it is.

Mr. THOMPSON. Have you any idea as to what form such responsibility should take?

Mr. PIEZ. I do not know of any form that would be more efficacious than the incorporation of the unions.

Mr. THOMPSON. That is your opinion?

Mr. PIEZ. That is my opinion.

Mr. THOMPSON. By which they would have a financial responsibility?

Mr. PIEZ. Financial responsibility for any breach of contract; yes.

Mr. THOMPSON. Have you ever followed out the practicability of such a scheme as to whether it could be put into operation or not?

Mr. PIEZ. Not very far.

Mr. THOMPSON. In other words, that comes from the feeling that the unions should be responsible for their actions like other people?

Mr. PIEZ. It comes from the feeling that no body of men who are irresponsible should be permitted to do damage or injury to others.

Mr. THOMPSON. Have your prices to consumers on your products increased or decreased under the open shop?

Mr. PIEZ. They have decreased fully 20 per cent in the last 10 years.

Mr. THOMPSON. Would that be due, in your opinion, to the open-shop policy of your firm?

Mr. PIEZ. We never lower prices unless we have to. It is due to competitive conditions, to open shop. We are able to produce cheaper to-day, and we are forced to pass on whatever we save in production to our consumers. That is the only way we continue to get business.

Mr. THOMPSON. You make an effort in your firm, do you not, to produce efficiently?

Mr. PIEZ. Yes; we make that our business as manufacturers. That is our business as manufacturers.

Mr. THOMPSON. Are your workmen satisfied? Are you willing that inquiry should be made of them on this point?

Mr. PIEZ. Absolutely. I think Prof. Commons and Mrs. Harriman visited our works in Philadelphia, and we extend the same invitation to the commission here to visit our Chicago and our Indianapolis works. I would like to know very much whether there is any discontent in our works, because we would take steps to remedy it.

Mr. THOMPSON. Does the bonus system which is in operation in your shop, in your opinion, have any effect on the quality of the output?

Mr. PIEZ. Are you talking of the bonus system now purely as a bonus? There is a scheme of payment which is known as the "bonus system," in which a definite task is set and a bonus paid for the accomplishment of that task. That is somewhat different from the piece-rate or premium system.

Mr. THOMPSON. Fifty per cent of your men are on daywork?

Mr. PIEZ. Yes.

Mr. THOMPSON. The other 50 are on piecework?

Mr. PIEZ. Yes.

Mr. THOMPSON. Do these men have a premium attached to their piecework or bonus?

Mr. PIEZ. The rate is usually so much per piece. The rate is set sufficiently high so that working a certain number of days they can earn a bonus of 20, 30, or 40 per cent, as the case may be, on their day wage.

Mr. THOMPSON. Does this bonus, in your opinion, have any effect on the quality of the output?

Mr. PIEZ. Yes. To begin with, in the early stages of piecework a man is ambitious to turn out as many pieces as he can, and you have got to inspect it very much more closely. That drops, however, very quickly with proper inspection. So far as errors are concerned, I don't think that the percentage of error in piecework is any higher than it is in daywork.

Mr. THOMPSON. Have you any opinion, Mr. Piez, on welfare work, so called; workmen's compensation laws, bonus systems, accident incurance, and sickness insurance?

Mr. PIEZ. Yes. I was chairman of the Illinois Compensation Commission. I had something to do with the present Illinois act. I was also a member of the commission that framed our factory act. I think in both respects Illinois has taken a very advanced position. All through my connection with those two commissions I did all I could to bring the attitude of the manufacturer toward the favorable consideration of those problems. I am very strongly, as I said before, in favor of following the work with unions for the betterment of conditions. And I have, as some of these gentlemen on the other side know, been quite instrumental in bringing about better conditions in the State of Illinois.

In the act of the compensation commission and the factory act there, principally because of my connection with the Illinois Manufacturers' Association. In both cases the act was drafted by commissions representing both sides, and

so complete was the understanding reached finally that there was absolutely no opposition by either side before the legislature.

Mr. THOMPSON. Then it goes without saying you are in favor of such a proposition?

Mr. PIEZ. Absolutely in favor. I do not know how far I can subscribe to some of these fraternalistic schemes that are mentioned in this catalogue that you have submitted here.

Mr. THOMPSON. For instance, take the sickness insurance.

Mr. PIEZ. Take the sickness insurance—take our sickness insurance at the works—the men contribute 10 cents per week and they get $7 per week sick benefits, of which the concern contributes $2. We supply a physician if they ask for it.

Mr. THOMPSON. The very fact you established that voluntarily would rather indicate that if it be put in effect by the proper kind of a law by the State you would probably be in favor of it, would you not?

Mr. PIEZ. Yes. Sometimes I feel that I ought to be permitted to do some nice things myself, without being forced into it by an act of the legislature.

Mr. THOMPSON. Well, what would be your opinion as to unemployment insurance? That has not been asked of you, but have you any opinion on that? Such a law has been passed, you know, in England.

Mr. PIEZ. Yes; I know it. What I have been wondering is, in connection with some of these schemes that I outlined here, is just how far they should go to shatter the fiber of the man himself. Is it proper that a man should be relieved of all sense of responsibility for his future? Is it proper that the State should step in and relieve him of that responsibility? Just what effect is it going to have on the character of the man? That must be taken care of. There is no question about that. In our own work we have tried, in periods like this, to very largely increase our stocks, or staple goods; we build up very large supplies of them and try to make as nearly as we can the employment uniform to tide the men through a period of depression. That is not always possible. But I shrink a little from the State going too far in some of these ventures.

Mr. THOMPSON. Of course, in Germany they have gone pretty far along these lines, and to-day Germany has perhaps increased its productivity; isn't that true?

Mr. PIEZ. Germany has no unemployed insurance any more than sickness insurance. That is perfectly safe, because the insurance is compulsory. In Germany it is not State insurance, it is compulsory insurance, under which the men and the employers themselves contribute. That is perfectly proper.

Mr. THOMPSON. That is what I had in mind when I spoke to you.

Mr. PIEZ. I do not like to go so far as to absolutely subscribe to Mr. Lloyd George's scheme of unemployment insurance in connection with sickness insurance.

Mr. THOMPSON. Even where the people themselves—working people—are compelled to contribute?

Mr. PIEZ. Well, I haven't any real definite opinion on that, except the feeling that the State ought not to go so far as to take away from a man all sense of responsibility for his own future. I do not think it is good for the man.

Mr. THOMPSON. Would that apply to the question of sickness insurance?

Mr. PIEZ. No.

Mr. THOMPSON. Which is the one asked of you?

Mr. PIEZ. No; it would not.

Mr. THOMPSON. What views have you got—you say you are a member of the Illinois Manufacturers' Association—of the ned of strong organization of employers, and what field of activity do they have, what methods do they employ?

Mr. PIEZ. I think they have a very proper field. In the first place they help to crystallize among the manufacturers themselves opinions on these very vital questions in which all manufacturers are concerned. I think they ought to cooperate very strongly, and cooperation is proper, with the members of the other side to improve legislation. I think they ought to band together to resist any improper demands that the other side make. There is to-day absolutely no check on the rapidly increasing power which these gentlemen on the other side are exerting—absolutely no check, except the check which employers' associations or manufacturers' associations constitute. And I feel most strongly, if you are going to permit unions to grow stronger, if you are going to extend their privileges by legalizing picketing and boycotting and the other measures to

which they resort, that you have got to either counteract that influence with very strong manufacturers' associations, or you have got to force them to incorporate or else subject them to Federal supervision.

Mr. THOMPSON. How far in the activities of such association would you go? What would be its functions so far as these labor problems are concerned?

Mr. PIEZ. The functions are to argue them out before the legislature, develop arguments against those which they advance; that has been our attitude right straight along.

Mr. THOMPSON. Would they cooperate with one another in cases of labor strikes?

Mr. PIEZ. Our association, the Illinois Manufacturers' Association, is not a defensive association, never dealing with questions of strikes or things of that sort.

Mr. THOMPSON. Did it deal with it in the sense of publicity?

Mr. PIEZ. That is, it might.

Mr. THOMPSON. To create, in the case of an employer, an influence to improperly attack on certain lines—would it seek to create public opinion that would be favorable to the employer?

Mr. PIEZ. I think it would. I think it would be perfectly proper. After all, these questions have got to be settled before the forum of public opinion.

Mr. THOMPSON. That would be perfectly proper?

Mr. PIEZ. That would be perfectly proper as one of its functions.

Mr. THOMPSON. What other necessity would you feel should go into this problem of the relation of labor and capital?

Mr. PIEZ. That is a very wide field. In the one you have outlined I think that about covers the activity of the association.

Mr. THOMPSON. Are you an officer of the Illinois Manufacturers' Association?

Mr. PIEZ. I was president for several years. I am honorably retired at the present time.

Mr. THOMPSON. Does your association, the Illinois association, keep any record of the employees of the different firms? I take it it does not.

Mr. PIEZ. It does not.

Mr. THOMPSON. You do feel that is a proper form of activity for employers' associations?

Mr. PIEZ. Under certain circumstances, yes.

Mr. THOMPSON. What would you consider in the light of that—you consider such a list, should it be kept—what purpose would it serve to the employer?

Mr. PIEZ. It is perfectly proper. Organized labor and unorganized labor both should have their labor exchanges, and that the employers should have some means of drawing on both. You can go to a union any time, to the business representative of a union, and get more men. You can't go in the open market and get unorganized labor unless you keep a list of those, unless you keep in touch with the men.

Mr. THOMPSON. You believe, then, in keeping that list for the purpose of keeping track of the character of employees, whether good or efficient, or whether they are peaceful or whether they are disturbers?

Mr. PIEZ. Yes.

Mr. THOMPSON. You would?

Mr. PIEZ. Yes.

Mr. THOMPSON. Of course, that of necessity would bring you right up to the question of organization?

Mr. PIEZ. Yes; for determining their efficiency.

Mr. THOMPSON. That would bring it to the question of keeping track whether they are members of unions or not?

Mr. PIEZ. It might.

Mr. THOMPSON. That would be a perfectly consistent matter, in your opinion?

Mr. PIEZ. Perfectly, if you want to arrive at that question.

Commissioner O'CONNELL. Would it be the purpose to furnish some other organization with that information?

Mr. THOMPSON. In the doing of that, of course, in the records of an association, they would be subject to inspection by the members of the association?

Mr. PIEZ. I presume so; yes.

Mr. THOMPSON. Either by perusal or by written request or otherwise?

Mr. PIEZ. I presume so.

Mr. THOMPSON. Of course, that would come very close to the proposition of the black list, so called?

Mr. PIEZ. I think there is a wide difference, Mr. Thompson, between the two. If you have found it impossible to work in conjunction with a certain organization, and that organization sets about, without your knowledge, to reorganize your works, should you be compelled to submit to that sort of thing, or should you be free to select anywhere labor that is not so affiliated?

Mr. THOMPSON. Perhaps the use of that word was unfortunate in this case. I am not trying to characterize the action, because that is not our purpose to do that.

Mr. PIEZ. We have got some men who deal with us in business whom we put on a blacklist; men who have made misrepresentations. We have got a list of customers with whom we do not care to deal.

Mr. THOMPSON. What I mean is this, wouldn't that be what the union organization would call a blacklist?

Mr. PIEZ. I presume it would be.

Mr. THOMPSON. And a similar action on your—on their part, toward you, would probably be called a boycott?

Mr. PIEZ. Probably.

Chairman WALSH. Does your organization, of which you have knowledge, exchange that information?

Mr. PIEZ. No.

Chairman WALSH. That is, as to the undesirability of customers?

Mr. PIEZ. There are certain credit organizations, Mr. Walsh, of course, that have that information.

Chairman WALSH. Is there any affiliated manufacturers' association that exchanges such information?

Mr. PIEZ. In certain lines; yes.

Chairman WALSH. Are there any unaffiliated manufacturers' associations that exchange information in respect to the desirability or undesirability of employees?

Mr. PIEZ. I do not know that they go so far as that.

Chairman WALSH. That is all.

Mr. PIEZ. The Illinois Manufacturers' Association is engaged in neither of those operations.

Mr. THOMPSON. Have you any knowledge of the creation or existence of what is called "strike squads" taking the place of striking workmen in the lines of industry you are engaged in?

Mr. PIEZ. We never employ them. I do not know anything about them by direct experience.

Mr. THOMPSON. You have no opinion in reference therto?

Mr. PIEZ. None that I care to express, because I have not given it very deep thought.

Mr. THOMPSON. Have you any information with respect to the relation of the courts to these labor problems as to their attitude, whether the court's machinery and the present law are able to handle the proposition?

Mr. PIEZ. I have heard some of these gentlemen inveigh very strongly against the court at the hearing of the compensation commission, but I have had a similar cause of complaint in the conduct of our suits, so that I do not feel they have been particularly at a disadvantage in that respect.

Mr. THOMPSON. You feel sort of a mutual complaint?

Mr. PIEZ. I feel a deep sympathy with them in some of their complaints; yes, sir. We have got a suit that has been pending two and one-half years. We have got $20,000 worth of machinery working, and we have never got it. The suit is still pending. We have not been able to do anything with that, and I feel somewhat aggrieved myself sometimes.

Mr. THOMPSON. Just take into consideration now the relation of the law to the labor problem. Have you ever given any consideration as to whether or not the law as it has grown up out of the past industrial conditions is able to meet completely the present state of society or organization of industry?

Mr. PIEZ. The old law was not, in my opinion; but with the additions that have been made in the State in the last three or four years, I think a great many causes of complaint have been wiped out. Some have been left.

Mr. THOMPSON. What are those conditions?

Mr. PIEZ. In the first place, the factory act, looking after the safety of the men and women employed in factories; the compensation act; the child-employment act; occupational-diseases act; all those have helped in bettering conditions and removing a great many complaints justly made against employment and employers.

Mr. THOMPSON. Narrowing it down for the present moment to the field of controversy where conflict exists between the union and your firm, is the law in its present condition able to take care of that?

Mr. PIEZ. I don't see it helps it very much.

Mr. THOMPSON. Have you given any thought to whether any machinery might be established by law in which these conflicts might be reviewed and justice given to both sides?

Mr. PIEZ. I was a member of the Illinois Arbitration Board during one conflict, and my experience prompts me to say that a board of that kind does not fully cover the needs of the situation. I believe the act could be expanded so that investigations could be made of conditions and publicity given those conditions so that public opinion would itself force a settlement. It is not always safe when labor makes a demand to assume that the demand is just, nor is it always to be understood that the employer has right on his side. But I don't feel any power ought to be given to the union to coerce the employer or any power given to the employer to coerce the union unless right is on his side.

Mr. THOMPSON. How do you feel in regard to the issuance of injunctions? That the present courts or a new court might be established to have the power to issue injunctions if necessary and the power to review the industrial cause?

Mr. PIEZ. I think they ought to have the power. Discontent usually acts first and thinks afterwards. When it gets started you ought to be able either to enjoin violence and to insist on law or you have to give the manufacturer or employer an opportunity to protect himself from the effect of such violence, and I think the latter is a very bad alternative.

Mr. THOMPSON. Of course you know at the present time, when an employer goes into court and asks an injunction, the whole matter is decided irrespective of the industrial dispute and the rights or wrongs that may exist.

Mr. PIEZ. Is that always so? I don't agree with you on that proposition.

Mr. THOMPSON. I would say yes, of course. What I mean to say is that as a matter of law the court deals only with legal rights—legal rights don't include settlement of industrial disputes. I understood from you that you have no objection to giving a court further rights, not only to decide the legal right, but to decide the right or wrong of the industrial question.

Mr. PIEZ. To give them some rights.

Mr. THOMPSON. You use the words "they should have the alternative right of protecting themselves."

Mr. PIEZ. Employ their own men in the defense of their property. That is what I mean—employ deputies.

Mr. THOMPSON. And private detectives?

Mr. PIEZ. If such are necessary.

Mr. THOMPSON. In protection of their own property in case of trouble?

Mr. PIEZ. We don't get very much support from the police as a rule.

Mr. THOMPSON. What, in your opinion, is the reason for that?

Mr. PIEZ. That is a deeper question than I care to discuss.

Mr. THOMPSON. Do you see any danger in the use of private detectives and what is known sometimes as gun squads?

Mr. PIEZ. I think it is a very pernicious thing to do, and I don't think the opportunity ought to be afforded to do it, but the cause ought also to be removed. There should not be an opportunity on the other side to do violence until the question of right and wrong in the case has been settled.

Mr. THOMPSON. Do you think such an institution as an industrial court would help?

Mr. PIEZ. I think that would help. I think it would help very materially. Perhaps both sides would be willing enough and sane enough to await the decision of such court before taking action.

Mr. THOMPSON. You spoke of the board of arbitration you served on. Have you any views as to the kind and method of arbitration which will succeed the best in the settlement of disputes?

Mr. PIEZ. Arbitration is a difficult thing. I have found it absolutely impossible to satisfy both sides. Usually both sides are dissatisfied after you get through. But the mere fact that both sides have the opportunity of stating their case before a board helps to lead to a better understanding.

Mr. THOMPSON. When you were on the State board of arbitration you were called on by people to settle individual cases?

Mr. PIEZ. The trouble with the State board is it is always charged with having a political flavor. It may or may not have, and that is a bad thing to inject into any controversy.

Mr. THOMPSON. Have you given any consideration to the establishment of arbitration boards in industries, where they serve permanently as on the State board and come in close contact with the working conditions and people?

Mr. PIEZ. I haven't given that much thought; but it should be reasonable.

Mr. THOMPSON. Do you consider it a defect of the law that a union can make this agreement and do wrongful damage without any civil liability in many States?

Mr. PIEZ. Yes, sir.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock would like to ask you some additional questions.

Commissioner WEINSTOCK. You were telling us of the experience you had in New York some years ago with Sam Parks in the saddle, and how, despite the fact that he was a crook and bribe taker, he was knowingly kept in the saddle by the unions, so that you found it impossible to do business under those circumstances.

Mr. PIEZ. He was convicted, as you remember, Mr. Weinstock. That is the reason I said he was a crook—because he was a convicted one.

Commissioner WEINSTOCK. Could he have been a bribe taker if there had been no bribe giver?

Mr. PIEZ. You can't have one without the other; but if a man puts a gun up against your head, what are you going to do?

Commissioner WEINSTOCK. I suppose I would cough up if there was nothing else possible.

Mr. PIEZ. That is exactly what you would do, and that is what any employer would do. I have got just that kind of spirit.

Commissioner WEINSTOCK. I am not thoroughly familiar with the history of Sam Parks; I simply have an imperfect recollection of the circumstances, but as near as I can recollect, he was in the saddle for quite a while.

Mr. PIEZ. Quite a long time.

Commissioner WEINSTOCK. Can you tell us about how long?

Mr. PIEZ. I would not venture. Perhaps six or seven years. I am not real certain. He had succeeded in getting a considerable wage increase for the men. That is one thing, of course, that helped him maintain himself in the saddle, and I presume the men felt whatever else he could get was simply a perquisite of the job.

Commissioner WEINSTOCK. I presume it is safe to say that practically all of the time he was there he was a crook?

Mr. PIEZ. He may not have started as one. Perhaps opportunity made him one.

Commissioner WEINSTOCK. If it is a fact he was a crook for a good deal of that time, did not the manufacturers who were held up as stated here have the amplest possible time to bring him to justice?

Mr. PIEZ. Very likely.

Commissioner WEINSTOCK. Then, were not the employers to blame for not having brought him to justice?

Mr. PIEZ. Taking it from a theoretical, highly moral point of view, yes, sir; from a practical point of view, I am not so certain. The consequence of engaging with a man like Parks, if you are in the construction business in a market like New York—a man who holds absolutely in his power the entire labor situation in the field you are engaged in, I think would make a man think twice before he would proceed against him.

Commissioner WEINSTOCK. As I recollect the circumstance, Parks was bribed by certain employers to declare strikes against other certain employers.

Mr. PIEZ. That was the rumor at the time.

Commissioner WEINSTOCK. That was proven at the time?

Mr. PIEZ. I understand that was the rumor at the time. I don't know what the proof was.

Commissioner WEINSTOCK. If that is the fact, were not those employers who bribed Parks to declare a strike as much to blame as Parks?

Mr. PIEZ. Just as criminal, and ought to have gone to the penitentiary with him.

Commissioner WEINSTOCK. Did they?

Mr. PIEZ. I didn't hear of any of them going.

Commissioner WEINSTOCK. So that it was a sort of one-sided punishment?

Mr. PIEZ. Punishment usually is.

Commissioner WEINSTOCK. What steps do employers take to drive out of their ranks dishonest employers?

Mr. PIEZ. They are taking more and more. All of this question has been much better generalized in the last 10 years or more. I don't know whether you are an employer or manufacturer or not, but I think the standard of morals is higher to-day in every line of business than it ever was before, and I think the associations have a very large field doing just that sort of thing. We are, of course, small fry, and Parks, of course, held up the little fellows as well as the big. We had no interest in declaring strikes on the other fellow; we were simply the victims. He made it impossible to do anything except bow to his wishes.

Commissioner WEINSTOCK. You called attention also to the fact that collective bargaining had proven in your experience very unsatisfactory. What is the weak spot? Why did collective bargaining prove unsatisfactory?

Mr. PIEZ. The weak spot in all cases is the great difficulty in determining any standard by which to judge what is a fair day's work. There is so much variety in the metal trades, of course that it is impossible to use any yardstick by which to measure a fair day's work, and there is an opportunity for a very wide difference of opinion. The unscrupulous, conscienceless employer may demand more than he is entitled to. At the same time the unwilling employee may be very unwilling to do as much as he ought to. There is always that difference.

Commissioner WEINSTOCK. If that is the weak spot under collective bargaining, isn't it likely also to be the weak spot under individual bargaining? Wouldn't that apply to both conditions?

Mr. PIEZ. No, sir; because individuals are engaged in a certain general line of work, and quite frequently while you have no direct standard you have an indirect standard of measurement. If you have ever seen a lathe operate, you know it has a capacity for a certain depth of cut and a certain speed. It may travel an inch or 2 inches in a certain specified time. It is comparatively easy to compute mathematically just how long that machine will take to remove a certain amount of metal, but you can only do it mathematically. It is not in the foreman's head or the workman's head. It is a matter of mathematical calculation. It is a complex problem depending on the character of the tool and the amount of power you put into it. So that in each case you have certain factory peculiarities which may make it a very difficult problem. I am talking more particularly of our own work, where there is very little repetition.

Commissioner WEINSTOCK. In your work you have the efficiency system?

Mr. PIEZ. As far as it can be properly and economically applied.

Commissioner WEINSTOCK. Under the efficiency system there is an incentive offered a man for higher efficiency?

Mr. PIEZ. Yes, sir.

Commissioner WEINSTOCK. And your system of scientific management applies in instances where men are worth above the standard. If they prove themselves as being worth above the standard they are rewarded accordingly?

Mr. PIEZ. Yes, sir.

Commissioner WEINSTOCK. Each man gets all he can make himself worth?

Mr. PIEZ. Yes, sir.

Commissioner WEINSTOCK. But he starts with a standard wage, I take it?

Mr. PIEZ. Yes, sir.

Commissioner WEINSTOCK. A standard or guaranteed sum?

Mr. PIEZ. Yes; he only earns so much.

Commissioner WEINSTOCK. But with increased effort he can earn still more?

Mr. PIEZ. Yes, sir.

Commissioner WEINSTOCK. It would seem to me under your scientific system the opportunity for collective bargaining would be better than where there is no scientific system, because there would be room, it would seem, for collective bargaining in determining the standard wage—the minimum wage and working conditions. The employer would be protected by a system of getting out of a man his best. Why can not collective bargaining go hand in hand with scientific management?

Mr. PIEZ. It can; but it has to be approached at a very radically different angle than it is approached to-day. Where a demand is made for a certain horizontal wage.

Commissioner WEINSTOCK. That would be a minimum wage?

Mr. PIEZ. That may be a minimum, but it is impossible as a minimum, because it takes no cognizance of the condition itself.

Commissioner WEINSTOCK. Couldn't that be adjusted by arbitration on both sides?

Mr. PIEZ. It certainly could.

Commissioner WEINSTOCK. The employers' organizations in Chicago—take the metal trades, are they organized?

Mr. PIEZ. We have a branch of the metal trade here.

Commissioner WEINSTOCK. There may be some good reason that I, as a layman, do not know anything about, but will you point out why could not the metal trades, with the iron association, come together and adjust these differences, assuming there are unreasonable points on both sides—why could not they be adjusted by reasonable discussion and submission to some third party, where they could not be agreed upon?

Mr. PIEZ. Because few of the shops work under the same conditions. A great many of them haven't reached their high degree of efficiency. Many of them use old tools.

Commissioner WEINSTOCK. You were going on to explain that the conditions in different shops were so different it would be hard to standardize them.

Mr. PIEZ. Yes; I think it will probably eventually do that. It is most probably a very proper field for this commission to investigate.

Commissioner WEINSTOCK. How can the day be brought nearer when that will be the prevailing condition?

Mr. PIEZ. I am afraid that is a more proper question to you gentlemen than to me.

Commissioner WEINSTOCK. But we want help, and from just such men as you.

Mr. PIEZ. I would be glad to give you help, but I haven't given that particular phase study enough to give an opinion that would be worth while.

Commissioner WEINSTOCK. You also spoke about some system whereby there could be hearings on both sides with a view of settling any difficulties—any differences that might develop between employers and workers—some Canadian board. Do you have such hearings before or after cessation of work?

Mr. PIEZ. Preferably before, and I would enjoin both sides from taking any steps during such hearing.

Commissioner WEINSTOCK. You would prevent the employer from locking out the workers?

Mr. PIEZ. Yes, sir.

Commissioner WEINSTOCK. And prevent the workingmen from resorting to strikes?

Mr. PIEZ. Yes; picketing and such things.

Commissioner WEINSTOCK. Substantially you would favor the Canadian system?

Mr. PIEZ. Substantially. I very strongly favor the Canadian system of arbitration.

Commissioner WEINSTOCK. Whereby there can be no strikes or lockouts in public utilities until after the State has intervened and endeavored to bring about an understanding?

Mr. PIEZ. Yes; and ventilated both sides.

Commissioner WEINSTOCK. You would favor that?

Mr. PIEZ. I favor that very strongly.

Commissioner WEINSTOCK. That would tend to minimize strikes?

Mr. PIEZ. Yes, sir.

Commissioner WEINSTOCK. And bring about more cordial relations between employer and workers?

Mr. PIEZ. It would give time to bring about reflection, and I think they would be more reasonable than after they have mauled each other.

Commissioner WEINSTOCK. In your judgment that would be one way to minimize labor troubles and bring about better labor conditions?

Mr. PIEZ. I should think that would be one of the recommendations that the commissions should submit.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Garretson would like to ask you a question or two.

Commissioner GARRETSON. Speaking of the Canadian act, you are familiar with its workings?

Mr. PIEZ. I have heard it described.

Commissioner GARRETSON. You have had no personal contact with it?

Mr. PIEZ. I have had no personal contact with it.

Commissioner GARRETSON. Are you aware of the fact it is admitted on that side of the line, even by the officers who have administered it, that it has been invariably utilized by employers to fortify themselves in the period in which no action could take place?

Mr. PIEZ. I did not know any such charge as that rested against the act.

Commissioner GARRETSON. You have had no opportunity to read the testimony that has been given on that subject here?

Mr. PIEZ. No, sir.

Commissioner GARRETSON. A little investigation I think will convince you as to whether or not it has been so utilized.

Mr. PIEZ. How would that weigh against the act?

Commissioner GARRETSON. How would that weigh against the act?

Mr. PIEZ. Yes; why should that be counted against the act? Does that destroy the effectiveness of the act? Can't you remove that effect urged against the act and make it a good workable act?

Commissioner GARRETSON. Yes; take that feature out.

Mr. PIEZ. That is what I mean.

Commissioner GARRETSON. Let's go back to Sam Parks.

Mr. PIEZ. That is ancient history.

Commissioner GARRETSON. I know it is. I just want one more touch of it. Take it from a basis of pure ethics.

Mr. PIEZ. Pure ethics?

Commissioner GARRETSON. Pure ethics for a moment. Is a briber or a man who sells himself worse?

Mr. PIEZ. There is only one answer to that question. I think that both——

Commissioner GARRETSON. I will go this far along the road. I say to you I believe the man who sells himself is a criminal and ought to be convicted.

Mr. PIEZ. I will say to you a man who buys him ought also to be convicted.

Commissioner GARRETSON. In your experience in dealing with men of the Parks style——

Mr. PIEZ. I did not say I bought Mr. Parks.

Commissioner GARRETSON. I know it.

Mr. PIEZ. I want that clear.

Commissioner GARRETSON. I did not say I was bought, either. In dealing with representatives of labor and dealing with the employers of labor, in your own personal experience, have you found more men in labor circles ready to be bought than you found purchasers on the other side?

Mr. PIEZ. Parks was my only experience, and that wasn't a direct one. All the other fellows I have met in labor circles have been very straight fellows. I have differed with them on many subjects. I have never had the opportunity to buy them.

Commissioner GARRETSON. Have you found anybody you believed was ready to purchase on the other side?

Mr. PIEZ. I presume where men are willing to sell some men are willing to buy, where they can profit by it.

Commissioner GARRETSON. Do you presume one purchaser would have given Parks the reputation he had?

Mr. PIEZ. He would have to be a pretty big purchaser.

Commissioner GARRETSON. He would have to wholesale?

Mr. PIEZ. Yes, sir.

Commissioner GARRETSON. You spoke that when you were dealing with the men in matters of wages and conditions you were the agent of the consumer; that when you were dealing with the consumer you were the sales agent for the men. Assuming that that is correct, a man in that position, placing himself in that attitude, if he desires to take advantage of the two opportunities, it would be an ideal condition for abuse, would it not?

Mr. PIEZ. It certainly would be; yes, sir.

Commissioner GARRETSON. You say that under the system that has grown up you have been able to sell in the last 10 years 20 per cent cheaper to the consumer?

Mr. PIEZ. We have been forced to sell.

Commissioner GARRETSON. At any rate, that includes being able, if you survive?

Mr. PIEZ. That is it.

Commissioner GARRETSON. How much increase has there been in the wages of your men during the period that 20 per cent has been taken off the selling price?

Mr. PIEZ. I should say probably a general advance during that period of about 30 per cent, I presume; perhaps more.

Commissioner GARRETSON. What has been the increase in the cost of living?

Mr. PIEZ. According to the tables, perhaps the same.

Commissioner GARRETSON. What tables?

Mr. PIEZ. General. I am taking them all through.

Commissioner GARRETSON. Is there a table in existence that wouldn't put it 19 per cent higher than 40 in that period? Does not the Government table show about 59 per cent?

Mr. PIEZ. That only covers a part of it, don't they? They simply cover the food end of it.

Commissioner GARRETSON. Is there any nonpartisan table that shows less?

Mr. PIEZ. That you will have to answer for yourself. You evidently know more about that than I do.

Commissioner GARRETSON. I have been putting them in evidence lately.

Mr. PIEZ. Probably.

Commissioner GARRETSON. Sworn tables from all sources.

Mr. PIEZ. I want to correct one impression. I said our men advanced about 30 per cent. They may have gone up 40 or 50 per cent. I am talking entirely from memory, and if you want that I would be glad to give them to you.

Commissioner GARRETSON. I don't want to know what the difference in wages is, but the difference in earnings. I am using those in distinction.

Mr. PIEZ. I don't think wages have gone up faster than the cost of living.

Commissioner GARRETSON. Do you know, as a general proposition, where wages have advanced faster than the cost of living?

Mr. PIEZ. I think during the Parks period they advanced very materially in certain trades for a time.

Commissioner GARRETSON. Was that Sam alone, or others?

Mr. PIEZ. Sam and others.

Commissioner GARRETSON. When men are confronted with a condition—that is, in commercial pursuits—where it is necessary to pay tribute if they are to continue in a certain field of trade, have you any opinion as to whether the moral sense or profit comes out winner ordinarily?

Mr. PIEZ. That depends altogether on the man.

Commissioner GARRETSON. It won't apply to a class?

Mr. PIEZ. It won't apply to what?

Commissioner GARRETSON. A class.

Mr. PIEZ. Well, I think it might be broad enough to include a class.

Commissioner GARRETSON. What is the common rule? Will the profits take precedence over moral scruples?

Mr. PIEZ. I don't think it is a matter of scruples so much as it is a matter of moral courage.

Commissioner GARRETSON. He can preserve his scruples if he has the courage?

Mr. PIEZ. That is hardly a fair statement of it, is it?

Commissioner GARRETSON. I don't know.

Mr. PIEZ. I am asking you.

Commissioner GARRETSON. I was asking you.

Mr. PIEZ. I would like to have a little reciprocity on that. I would like to be able to ask you occasionally.

Commissioner GARRETSON. You refer to the fact you could not run a business without discipline. I am not fully agreed with that, but as long as you have been in the service you ought to be reasonably familiar with what old conditions furnish the foundation for the demand of the average union in regard to discipline. Do you know what they were?

Mr. PIEZ. Some of them.

Commissioner GARRETSON. From your standpoint upon what was it based?

Mr. PIEZ. Probably excessive demands made upon the men by some employers.

Commissioner GARRETSON. Isn't it true that the ordinary phase of discipline—bearing in mind I am much more familiar with discipline in some lines than I am others——

Mr. PIEZ. I don't refer to discipline as military discipline, but a sort of cooperative spirit that must exist.

Commissioner GARRETSON. I am referring to the discipline that means loss of their rights, that means loss of a hearing, either discharge or a mark, as the case may be. Isn't it largely founded on conditions that existed prior to the existence of the union, of favoritism, making of places for incompetent relatives, and other performances of that character?

Mr. PIEZ. I don't know of any business in which the methods you have just referred to would lead to success.

Commissioner GARRETSON. It is a secondary question sometimes to taking care of relatives.

Mr. PIEZ. If you take care of too many I think the business would probably break its back.

Commissioner GARRETSON. I know railroad companies that haven't a relative, and I know others that run a foundling asylum.

Mr. PIEZ. I am sorry for the stockholders.

Commissioner GARRETSON. So am I. I have expressed myself sorry on many occasions. You spoke of welfare work, that you had a feeling you ought to be permitted to do certain things without being compelled to.

Mr. PIEZ. I think it gives a person better satisfaction.

Commissioner GARRETSON. A better taste in the mouth?

Mr. PIEZ. Yes, sir.

Commissioner GARRETSON. Unless it was compelled, what proportion of employers in general, as far as your experience goes, would do those things? How many employers do you know of—what has your experience shown you in regard to sickness insurance? How many put it in?

Mr. PIEZ. My experience with the employers is evidently much more favorable, and I have a much higher opinion of them than you seem to have.

Commissioner GARRETSON. Is your experience wider with them than mine?

Mr. PIEZ. With manufacturers, I believe.

Commissioner GARRETSON. I said with the employers.

Mr. PIEZ. I am talking about manufacturers.

Commissioner GARRETSON. How many out of every one hundred have accident insurance?

Mr. PIEZ. I am not going into your field. Probably you are an expert on that. I wouldn't venture an opinion in your field, but I do know my own. I know the men I have associated with in these associations, and I say a great many of them do nice things and do them without force or constraint.

Commissioner GARRETSON. And how many do it?

Mr. PIEZ. There are some who do not.

Commissioner GARRETSON. How many within your knowledge have a sick insurance plan?

Mr. PIEZ. Most of the larger institutions have it. The smaller employers can hardly afford to have it.

Commissioner GARRETSON. The most of the large institutions have sick insurance?

Mr. PIEZ. Some to my knowledge have some beneficial insurance scheme.

Commissioner GARRETSON. Beneficial and sickness insurance are two different things.

Mr. PIEZ. Hardly that. Why does not one cover the other?

Commissioner GARRETSON. But as sickness insurance, pure and simple, is it very common?

Mr. PIEZ. Yes; it is quite common among employers.

Commissioner GARRETSON. Take the Illinois Manufacturers' Association, what proportion of them have it?

Mr. PIEZ. You are asking a very broad question that would require some analysis to answer, but I think a great many large manufacturers have it.

Commissioner GARRETSON. Can you furnish the number of those?

Mr. PIEZ. I will try to.

Commissioner GARRETSON. I would be glad to have it.

Mr. PIEZ. Yes; I think it will probably improve your opinion when you get it.

Commissioner GARRETSON. I want to know if the manufacturers are better people than the railroads of Illinois.

Mr. PIEZ. They are probably average people with the same frailties and virtues.

Commissioner GARRETSON. If they have the same average of sickness insurance that the railroad companies have, you are playing a mighty lone hand. That is all.

Chairman WALSH. Mr. Ballard would like to ask you a few questions.

Commissioner BALLARD. You spoke of the cost of wages and the cost of living. Do you think the standard of living has been increased or not in the last 10 or 15 years on the part of workmen and the public generally?

Mr. PIEZ. I think so.

Commissioner BALLARD. You think it is not so much the cost of living as it is the cost of high living that has increased?

Mr. PIEZ. There is a great demand that people generally make for things that used to be considered luxuries.

Commissioner BALLARD. You haven't found flour advanced?

Mr. PIEZ. No, sir.

Commissioner BALLARD. That is cheaper than it was before.

Mr. PIEZ. So is sugar.

Commissioner BALLARD. You spoke of the metal trades and the molders' association being unions you could not treat with, but you did treat with some of the woodworkers' unions.

Mr. PIEZ. We deal with the carpenters and millwrights.

Commissioner BALLARD. You are willing to treat with unions that are fair?

Mr. PIEZ. It depends on the leadership of the unions.

Commissioner BALLARD. That is all.

Chairman WALSH. Mr. Lennon would like to ask a question or two.

Commissioner LENNON. I would like to ask you a question and have you reply by communication, if you will. The substantial thing——

Mr. PIEZ. Will you have that question sent to me, or shall I take it down now; I am not a shorthand operator.

Commissioner LENNON. The substantial thing for which this commission is created is to ascertain the underlying causes of industrial unrest, and report to Congress such remedies as the commission believes might help cure or eliminate this unrest which, in part, may be considered dangerous to our civilization. I would like to ask you a great lot of questions to bring that out, but there is not time. The weather is nice, and on your way to New York you can study it.

Mr. PIEZ. All right. You want me to answer that.

Chairman WALSH. He said you could think that out and give us your best constructive suggestion after thought and send it to the secretary of the commission. Prof. Commons would like to ask a question.

Commissioner COMMONS. You stated you were on the Illinois State Board of Arbitration awhile.

Mr. PIEZ. For just a short period.

Commissioner COMMONS. And your experience showed the reason that board was not effective was because it was either actively or supposed to be political?

Mr. PIEZ. The general feeling was it was political. Of course, it was an appointed board.

Commissioner COMMONS. Appointed by the governor?

Mr. PIEZ. Appointed by the governor. The members of the board at that time—there were three of us. I have never had any connection with politics, so that I could hardly be considered political, and as far as I know the others were not political. I think the board did actually try to fill the function of the act, but the general feeling both among employers and the laboring classes was it did have a political flavor and therefore it didn't resort to it and did not have confidence in it.

Commissioner COMMONS. Did your experience suggest any way by which such board could be constituted that would not have this reputation or not have this bias of politics?

Mr. PIEZ. Well, it did. I always felt a larger board, in the first place, was a better board, because in some of the larger controversies it is a pretty heavy burden to put on three men, and I believe that a board that has perhaps one member appointed by the State and two members appointed by each of the two sides might be more effective.

Commissioner COMMONS. By the two sides, applying to Illinois, what would be the organization?

Mr. PIEZ. Say, in the case of a manufacturer's controversy with his men, I would consider the union involved as one side and the manufacturers' association as the other side.

Commissioner COMMONS. That would mean a temporary board.

Mr. PIEZ. A temporary board for each controversy. You don't get, of course, continuity of decisions in that case.

Commissioner COMMONS. Was the board you were on permanent?

Mr. PIEZ. A permanent board. We have an act in Illinois that covers a permanent State board of arbitration.

Commissioner COMMONS. I understand that act has been ineffective.

Mr. PIEZ. It has been very ineffective.

Commissioner COMMONS. I was trying to get at your idea how to improve that. Take the permanent board. How would you get rid of that political bias?

Mr. PIEZ. I would give the employer and the working people an opportunity to suggest names from which a selection should be made.

Commissioner COMMONS. Is that not done at the present time? Were you not nominated by the Illinois Manufacturers' Association?

Mr. PIEZ. No, sir.

Commissioner COMMONS. The governor just picked you out?

Mr. PIEZ. Just picked me out, I think. I don't know how the honor came to me. It was very unsought for. I tried to dodge it, but I could not.

Commissioner COMMONS. You would have the manufacturers submit a certain number to be selected from?

Mr. PIEZ. Yes, sir.

Commissioner COMMONS. And the unions to submit a certain number?

Mr. PIEZ. Yes, sir.

Commissioner COMMONS. Now, would you have them receive salaries?

Mr. PIEZ. While in service, yes.

Commissioner COMMONS. A per diem salary?

Mr. PIEZ. Yes; a per diem salary.

Commissioner COMMONS. Would you have it a so-called public representative in any way?

Mr. PIEZ. Yes.

Commissioner COMMONS. How would you have them nominated?

Mr. PIEZ. I am afraid to suggest the member of the court; he might be a good presiding officer.

Commissioner COMMONS. An ex officio judge of the court?

Mr. PIEZ. Yes; I think he might represent the public.

Commissioner COMMONS. He could not serve—devote his whole time to the work?

Mr. PIEZ. No; but I don't think it would take his whole time.

Commissioner COMMONS. You think they should have a staff?

Mr. PIEZ. Yes; to take up the smaller controversies.

Commissioner COMMONS. How would you select that staff?

Mr. PIEZ. I would leave that with the board.

Commissioner COMMONS. Would you have them under civil service?

Mr. PIEZ. Yes.

Commissioner COMMONS. Subject to examination?

Mr. PIEZ. Yes.

Commissioner COMMONS. Would they be mediators?

Mr. PIEZ. They ought to be selected for that purpose.

Commissioner COMMONS. Do you think a civil-service examination would bring that out?

Mr. PIEZ. It does not always.

Commissioner COMMONS. Do you think constituting a civil-service commission—six selected by the employers and six by the union—should be a joint civil-service commission?

Mr. PIEZ. I think that would probably be the best way to arrange it.

Commissioner COMMONS. Does it occur to you that that would eliminate the politics?

Mr. PIEZ. It ought to.

Commissioner COMMONS. Why?

Mr. PIEZ. Because the interests of the two are so vital that they ought to see to it that they get the proper men.

Commissioner COMMONS. Do you think it would be sufficiently important for this commission to recommend some system as that, that would eliminate politics from the State boards of mediation?

Mr. PIEZ. I would like to look into that further and write you about it.

Commissioner COMMONS. Do you consider that a plan like this would be something that could be considered?

Mr. PIEZ. Yes; I do.

Commissioner COMMONS. Now, the members, you think, need not give their whole time, but they might employ subordinates?

Mr. PIEZ. Yes.

Commissioner COMMONS. Now, that board thus constituted, which would be a large board, would be a civil-service commission to appoint mediators?

Mr. PIEZ. Yes.

Commissioner COMMONS. And they should have powers—what kind of powers would you give them?

Mr. PIEZ. You would have to give them summary powers, I presume.

Commissioner COMMONS. Would you give them power to make investigations on their own initiative?

Mr. PIEZ. Yes; whenever they heard of a threatened strike.

Commissioner COMMONS. And would give them power to subpœna witnesses?

Mr. PIEZ. Yes, sir.

Commissioner COMMONS. And subpœna them to bring in books?

Mr. PIEZ. Yes.

Commissioner COMMONS. And they would try to bring about settlement?

Mr. PIEZ. Yes.

Commissioner COMMONS. And if they could not do so, what?

Mr. PIEZ. Refer it to the board.

Commissioner COMMONS. And that would be final?

Mr. PIEZ. Yes.

Commissioner COMMONS. Have you considered how you could extend that to the State, as well as Federal Government?

Mr. PIEZ. I have not.

Commissioner COMMONS. Offhand, does there seem to be any reason why it should not be extended to the Federal Government?

Mr. PIEZ. I can not see any reason—none that I can think of just now.

Commissioner COMMONS. During your incumbency in this board were any strikes you had to deal with interstate in character?

Mr. PIEZ. We dealt with one switchmen's strike here.

Commissioner COMMONS. Did that involve other States?

Mr. PIEZ. Yes; it threatened to involve others.

Commissioner COMMONS. Did your power extend to any other trade?

Mr. PIEZ. I think Mr. Whitney, who represented the trainmen's union, practically accepted the findings of this committee to extend to several points—Omaha, Kansas City, and St. Louis; this was some five or six years ago, one strike in question.

Chairman WALSH. I promised this witness protection as to his train.

Mr. PIEZ. I have to be in Philadelphia to-morrow.

Commissioner WEINSTOCK. The professor here has offered certain suggestions, and your remarks are invited to this question: Imagine the link manufacturers nominating 12 men and the labor organizations nominating 12 men, and imagine those 24 men appointed by the commission, and that condition arising in your own industry, and you selecting 3 employers out of the panel of 12 and the workers selecting 3 workers out of the panel of 12, and these 6 sitting as a board of conciliation; do you know of any reason why that plan should not work out as a board of mediation and conciliation?

Mr. PIEZ. It might, because, after all, both sides have got to get together.

Chairman WALSH. We are going to excuse Mr. Piez now.

Commissioner WEINSTOCK. If you can see any weak spots in that, I wish you would let us know.

Mr. PIEZ. I will give that my best thought.

Chairman WALSH. Call your next witness.

TESTIMONY OF MR. JOHN H. WALKER.

Mr. THOMPSON. You may state your name, please.

Mr. WALKER. John H. Walker.

Mr. THOMPSON. Where do you live?

Mr. WALKER. At Danville, Ill.

Mr. THOMPSON. What position do you hold with any labor organization?

Mr. WALKER. President of the Illinois State Federation of Labor.

Mr. THOMPSON. How long have you been president of that organization?

Mr. WALKER. About 10 months.

Mr. THOMPSON. What position did you occupy prior to that time?

Mr. WALKER. President of the Illinois Miners' Union.

Mr. THOMPSON. Is that connected with the United Mine Workers?

Mr. WALKER. That is the largest district in it.

Mr. THOMPSON. How long were you in that position?

Mr. WALKER. Between seven and eight years.

Mr. THOMPSON. What were you doing before that, as far as the union was concerned?

Mr. WALKER. I acted as a member of the executive board of that, and as the district president and international organizer and district organizer.

Mr. THOMPSON. For how many years has your activity in official positions continued?

Mr. WALKER. Fifteen years the 18th of last June.

Mr. THOMPSON. What is the purpose of the organization of the Illinois State Federation of Labor?

Mr. WALKER. To insist in seeing that those who work for a living get as full justice as possible.

Mr. THOMPSON. How is the jurisdiction of that order differentiated from that of the Chicago Federation of Labor in Chicago or the local craft? How is it supposed to operate and the system of its operation?

Mr. WALKER. The Illinois State Federation of Labor has not got any positive authority in dealing with the affairs of the other organizations that make it up, except as delegated by those organizations. The Illinois State Federation of Labor, as I understand it, is supposed to perform the same duties and exercise the same powers and assume the same responsibility for the trade-unions in the State as the Chicago Federation of Labor has in this city or the American Federation of Labor has in the country.

Mr. THOMPSON. Is there any possibility of difficulty between the Chicago Federation of Labor in Chicago and the Illinois State Federation of Labor?

Mr. WALKER. There is likely to arise differences of opinion in the matter of policy.

Mr. THOMPSON. Your body is affiliated with the American Federation of Labor?

Mr. WALKER. Yes.

Mr. THOMPSON. And holds a charter from them?

Mr. WALKER. Yes.

Mr. THOMPSON. And the Chicago Federation of Labor does the same thing?

Mr. WALKER. Yes.

Mr. THOMPSON. I take it that the constitution and by-laws of the American Federation of Labor would show the jurisdiction and authority of your body, would it not?

Mr. WALKER. Yes; I think it clearly sets forth the authority of the State union.

Mr. THOMPSON. Are all the organizations affiliated with the American Federation of Labor, and by that means affiliated with your organization?

Mr. WALKER. No.

Mr. THOMPSON. And it is optional with the unions in this State as to whether they want to affiliate with you?

Mr. WALKER. The by-laws of the American Federation of Labor makes it incumbent for the unions in this State to affiliate with the Illinois State Federation of Labor, but no penalty is inflicted if they do not, and some are not affiliated.

Mr. THOMPSON. And if they are not affiliated they do not contribute to the maintenance of your organization?

Mr. WALKER. They do not contribute financially; no.

Mr. THOMPSON. What is the attitude of your organization in regard to industrial unions, where a body in this State is a member of the American Federation of Labor, but is not affiliated with your body?

Mr. WALKER. We render them every assistance we can, just the same as though they were affiliated with us, but we do not feel under the same obligations to them as though they were.

Mr. THOMPSON. Your attitude to them in that respect would be the same as to any organized labor?

Mr. WALKER. I believe I can say yes to that question.

Mr. THOMPSON. Have you a printed constitution or by-laws of the Illinois State Federation of Labor?

Mr. WALKER. I have some at home.

Mr. THOMPSON. Will you furnish a copy?

Mr. WALKER. Yes.

Mr. THOMPSON. Generally speaking, what have been the activities of the Illinois State Federation of Labor since you have been president of it?

Mr. WALKER. Well, we have looked into the matter of the laws as they exist in the State, as they affect the workers, with a view of making matters adjust

themselves; and we have looked into the records of some of the men who have made those laws, so as to determine their attitude against labor. And where workers have been unorganized and their wages and hours of labor, and the conditions of labor have been unfair, or absolutely unjust, we have done what we could to remedy that, and have done what we could to organize them. And where they have been organized we have rendered assistance to get improvement in wages and in the hours of labor.

Mr. THOMPSON. What control has your organization over unions affiliated with it, and how would that control, if any, be evidenced?

Mr. WALKER. We have no positive control at all.

Mr. THOMPSON. Have you a right to expel an affiliated member, perhaps?

Mr. WALKER. We have not a right to expel affiliated members that comply with the law.

Mr. THOMPSON. You hold conventions in the State?

Mr. WALKER. Yes; every year.

Mr. THOMPSON. And the convention is the supreme lawmaking power?

Mr. WALKER. Yes; just as in the A. F. L.

Mr. THOMPSON. Assuming your body should pass a law which did not conflict with any law of the A. F. L., and them assume that some member of some organization you are affiliated with broke that law, could you expel him?

Mr. WALKER. That matter would have to be taken up in the State convention, and the penalty for failure to perform those duties is fixed in the State federation so as to enable us to expel them.

Mr. THOMPSON. If the convention should decide to expel them, would they have the power?

Mr. WALKER. If they were acting within the laws of the American Federation of Labor.

Mr. THOMPSON. Assuming there was no conflict, would they have the right?

Mr. WALKER. We would not have the right to expel any member of an organization unless under the laws of the American Federation of Labor we were given that authority.

Mr. THOMPSON. Will the by-laws of the American Federation of Labor show under what conditions you may expel affiliated bodies?

Mr. WALKER. About the only way we can expel them is where they secede from the American Federation or Labor or from the international union that they should belong to that is affiliated with the American Federation of Labor.

Mr. THOMPSON. Then, your control over the affiliated bodies is merely nominal and purely moral?

Mr. WALKER. It depends upon the make-up of the different local unions. There are some men that will observe a moral obligation more rigidly than they will any other kind of obligation.

Mr. THOMPSON. What control has the American Federation of Labor over the Illinois State Federation of Labor?

Mr. WALKER. Supreme power.

Mr. THOMPSON. In what does that consist?

Mr. WALKER. In so far as laying down the rules under which they must operate.

Mr. THOMPSON. Assuming that the Illinois State Federation of Labor decides not to follow the rules laid down by the American Federation of Labor, then what power would the latter have to enforce its rules?

Mr. WALKER. They would simply revoke the charter of the Illinois State Federation of Labor and have every international union affiliated with the American Federation of Labor withdraw their membership—simply eliminate them.

Mr. THOMPSON. In case a dispute arose between your organization and, say, the Chicago Federation of Labor, or any other federated union, where would the power of deciding rest?

Mr. WALKER. Well, as far as past disputes are concerned, it has rested with each organization; sometimes the disputes have not been settled by their agreeing at all.

Mr. THOMPSON. Would the American Federation of Labor be an appellate body that could determine such disputes?

Mr. WALKER. No; there are some disputes that they have not got the power to decide definitely or positively, but they are willing and have in the past, and I expect will in the future, exercise their good offices as mediators in trying to make clear what the situation really is and to get the two organizations together.

Mr. THOMPSON. In the building trades we find here what are called jurisdictional disputes between international unions, and it is well recognized that the American Federation of Labor in that field has no power of compulsion, but in the case of your federation and, say, the Chicago Federation of Labor, in the case of a dispute between them, would the American Federation of Labor have the power to decide?

Mr. WALKER. Yes; as between the jurisdiction of the Illinois State Federation of Labor and the Chicago Federation of Labor.

Mr. THOMPSON. But your organization, like the Chicago Federation of Labor, has no power of coercion in the international union?

Mr. WALKER. No.

Mr. THOMPSON. As a leader of labor in this city, Mr. Walker, have you given any consideration to the question of industrial unrest?

Mr. WALKER. Well, I have not had time to give it much consideration in the past here, but it is being taken up practically every moment that I have to spare.

Mr. THOMPSON. Have you taken part in any recent strikes?

Mr. WALKER. Yes.

Mr. THOMPSON. What strikes recently of large consequence have you been interested in?

Mr. WALKER. I have not been involved in a large struggle recently at all; it has been about four years since I was involved in a rather large struggle involving about 75,000 members in the State. Now, there is a strike on in Mount Vernon of about 600 men, and about six months ago there was a strike in Hillsboro of about 300 men, and in Chicago among the leather workers on horse goods there was a strike. We have been able to adjust the two of those strikes and the other one is in progress at the present time.

Mr. THOMPSON. Has the United Mine Workers, your parent union, any agreement with the Western Federation of Miners?

Mr. WALKER. We have a close-working cooperative agreement with each other.

Mr. THOMPSON. Would you agree to state in general what that agreement is?

Mr. WALKER. Except that you transfer cards from each other, part of what we call the mine department of the American Federation of Labor, so that in addition to the general affiliation with the American Federation of Labor we have a special affiliation in the department; the miners from both organizations migrate from coal to the metal industries, and vice versa, and we have a considerable number of them, which bring about a closer relation than exists between us and any other organization; and we consult each other where disputes arise that originate in the same community and try to work that together.

Mr. THOMPSON. The mine workers confine themselves to the mining of coal and the others to the mining of metal?

Mr. WALKER. Yes.

Mr. THOMPSON. And between those two the membership fluctuates?

Mr. WALKER. Yes.

Mr. THOMPSON. And there is a close alliance?

Mr. WALKER. Yes.

Mr. THOMPSON. In pursuance of the relationship existing between the two organizations, did you at any time ever investigate the strikes in the metal mines?

Mr. WALKER. I was up in the Michigan copper country—I don't just recollect the exact time; I was there two or three months.

Mr. THOMPSON. Now, taking your experience, Mr. Walker, as leader or head of the Illinois State Federation of Labor and leader of the United Mine Workers, what would you say as to whether or not a state of industrial unrest exists in the country to-day?

Mr. WALKER. Well, there is no question but what there is a state of unrest existing to-day.

Mr. THOMPSON. From the standpoint of a practical man in the field, what do you consider to be the causes of this unrest?

Mr. WALKER. I think the main cause that largely makes for the unrest is the double standard that is in existence that is commonly accepted by most people as being right.

Mr. THOMPSON. What do you mean by double standard?

Mr. WALKER. A workingman is not supposed to ask anything more than a fair day's wage for a fair day's work; he is supposed to work until he is pretty

fairly tuckered out—say eight hours—and when he does a fair day's work he is not supposed to ask for any more wages than enough to support his family, while with the business man the amount of labor furnishes no criterion for the amount they receive; people accept it as all right if they do not do any work at all, and accept it as all right that they get as much money as they can; in fact, they are given credit for getting the greatest amount of money with the least amount of work; and those things that are being accepted by the other side as the things that govern in everyday life and as being right, have brought about this condition, this being in my judgment absolutely unfair; that is, on the merits of the proposition in dealing with the workers.

The workers feel this, some unconsciously and some consciously, but all of them feel it and it makes for unrest, in my judgment, and there can be no peace while that condition obtains.

Mr. THOMPSON. Then, in view of this underlying unrest in the industrial field, it does not depend on the existence of specific or definite grievances, but is rather a view the workers take with reference to the distribution of the product of labor?

Mr. WALKER. It is a feeling of absolute injustice as far as they are concerned as to the manner they are being dealt with, which is responsible for the unrest. The average worker feels that under existing circumstances he is simply a nonentity, except so far as he can be used as a tool by those who own the industries to which he has to have access before he can make a living for himself and family; that he is not given any consideration, but is a plaything to be used at the whim or caprice of the other side, and is absolutely subject to their will in getting an opportunity to work at all.

Mr. THOMPSON. Supposing a worker belongs to an organization and works where they have these so-called unions or closed shops, and his wages, as compared with other workers, are high, that his hours of labor are short, and that the working conditions are good, if you can imagine that kind of a situation; in your opinion, as I take it, there would still be unrest on his part because he would be a wage earner?

Mr. WALKER. Not because he is a wage earner, but because he believes that he is not getting what he is actually entitled to.

Mr. THOMPSON. That is, not compared with the wages of the other workers, but compared to the earnings of the employers?

Mr. WALKER. On the general principle of what is the right.

Mr. THOMPSON. Do you think that the general feeling that the worker has, as you say, that he is not getting an equal deal, or that he has not an equal voice, is the cause of the outbreaks you hear of in the different trades and industries in the different parts of the country, or is the cause something more specific than that?

Mr. WALKER. There are specific causes in addition to the general feeling and it depends upon the degree of knowledge on the part of the individuals as to how they see things. If a man gets to expect the better standard for themselves and family, and can not get them, they see clearly the injustice of it. As they get to realize what treatment they should receive and the wages and hours, they can see clearly the injustice that prevails when they can not get those things.

Mr. THOMPSON. Take the cases where strikes occur and conflicts arise; do you know of any case in your experience as a labor man that a strike or conflict has arisen out of this particular feeling that you have spoken of, where the worker has not a fair share in the production, or have they not arisen, as a matter of fact, out of specific grievances, such as working too long or for too low wages or where conditions are bad?

Mr. WALKER. There are different kinds of strikes, but I do not know of any specific strike where there was no specific reason for the strike, although in my judgment it has agumented the feeling that had to do with the strike; there is more and more of that every year.

Commissioner O'CONNELL. For instance, a strike among unorganized people, such as the Westinghouse Co.—the idea of a strike occurring without any head or tail—take that case.

Mr. WALKER. At Mount Vernon the strike occurred without any head.

Chairman WALSH. Briefly sketch the conditions at that place and what the men actually engaged in the industry said about it· how they presented their case.

Mr. WALKER. The average wages that the men were getting down there, as far as the records show, was $1.47 for 10 hours making railroad cars. I might give you an idea to what extent——

Chairman WALSH. First, approximately, how many workers are there in the industry?

Mr. WALKER. Something like 2,000 there and a number of different departments, and it is not in all of the departments that the strike has taken place, although there is a mixture; a few from each department. In the ones that have taken place practically all of the men involved have quit. A number there are colored men, among whom the standard of intelligence is rather low; they do not know what they are getting; they did not know until pay day what they were going to get, and then had to take what the boss decided to give them. The man who is the owner of the plant is an official in one of the churches; I don't know what particular one. But there was a minister in the city who announced that as a result of the unrest in industrial conditions there, he was going to deliver a labor sermon on a certain Sunday, and the next day every employee working in the plant was notified that if he appeared at the church during the sermon that he would be discharged; only two appeared and they were discharged.

In one instance a contractor came in there and got a paving job. He said he expected to pay from 30 to 35 cents an hour for labor, but when he found conditions absolutely in his own hands he paid only 25 cents an hour. Representatives of the company came to him and told him that if he raised the wages 15 cents an hour he would cause trouble to the company and they would make it hard for him to get another job in that town.

Chairman WALSH. How many men went out in that strike?

Mr. WALKER. About 600.

Mr. THOMPSON. Now, getting back again to the question of unrest, Mr. Walker, we feel from your answer that you have an idea that there is a general unrest among all people who work. Are there cases where this unrest appears to be less strong than in other places? In other words, where there is no specific aggravating point, and what are those feelings, if any, and what are the reasons for the difference?

Mr. WALKER. In the more thoroughly organized industries my experience has been and judgment is that where the men have had hours and wages and treatment more humane than otherwise, and they have had an opportunity to educate themselves, there is less of that feeling of continual blind opposition to existing conditions, and where disputes arise they arise in more orderly manner, and if disagreements are reached and it is impossible to go on, you find those contests conducted on a higher plane and with a better feeling, and it is more easy to reach a settlement, and when settlements are reached there is less bitterness.

Chairman WALSH. The commission will now stand adjourned until 2 o'clock this afternoon, to meet at the same place. Kindly resume the stand at 2 o'clock this afternoon, Mr. Walker.

(At 12.30 p. m. of this Tuesday, July 21, 1914, a recess was taken until 2 o'clock this afternoon.)

AFTERNOON SESSION.

The commission met pursuant to adjournment.

Chairman WALSH. The commission will please come to order. Mr. Edwin Krauthoff, president of the Commercial Law League of America, will now say a few words before this body.

Mr. KRAUTHOFF. May it please the commission. There is in session in this hotel a body of commercial lawyers comprising some 700 delegates, the organization comprising some 3,700 members dealing peculiarly with problems of commerce, realizing that industry is the basis of commerce and that without industry there can be no commerce, the league thought it fit that the league, through its president, present its compliments to the commission and to give it encouragement in its work.

It will be gratifying to the league if the engagements of the commission will permit the commission to visit the sessions of our league; to be received with the courtesies of the league. We meet to-day, Wednesday, and Thursday, at 10 o'clock in the morning and half past 3 o'clock in the afternoon. If the commission, at its convenience, will advise us of the time it will be convenient for the commission to call, we shall be very glad to receive you.

At 7 o'clock this evening the annual dinner of the league will be given, which we will be very gratified if the engagements of the commission will permit to have you for our guests upon that occasion. We certainly are desirous that your chairman will be with us and address us upon that occasion.

Chairman WALSH. On behalf of the commission I return its most sincere thanks, but I am sorry to say that we have an engagement, made some time ago, for this evening in a body, but I am sure that the commission will take occasion at some time during your sitting to call upon you.

Mr. KRAUTHOFF. You will advise us so you may be properly received?

Chairman WALSH. We will advise you. I thank you, Mr. Krauthoff, very much.

Mr. Thompson, you may proceed.

TESTIMONY OF MR. JOHN H. WALKER—Continued.

Mr. THOMPSON. Mr. Walker, referring to the question of industrial unrest which we spoke of this morning and which you divided into two classes, the fundamental unrest and the superficial unrest, as I would call it, the latter of which causes strikes and outbreaks, what is your opinion or view as to what this commission could do, sitting as a governmental body, hearing evidence, making reports and recommendations, to correct, with reference to one or both of these conditions of which you have spoken?

Mr. WALKER. That question involves, the way I figure it, almost an answer if it satisfactorily works out to reach the conclusion of the present industrial unrest. I do not know that I can go into detail in the matter, but I have my views on it, and I am willing to give them to you. I believe that every worker, no matter in what industry engaged, should be organized; should be required by law to organize. I believe every employer, no matter in what industry engaged, should be required also by law to organize. I believe that a thorough knowledge of both sides of every phase of the industry will mean elimination of the unnecessary—of the strikes that can be avoided, disturbances that can be avoided. Through those organizations with their joint relations that must necessarily follow will come education that will enable one to understand the other's point of view and just how each condition in the industry affects the different sides. I believe that in so far as they can adjust their disputes on the basis of the absolute facts that they should be allowed to do it. But I think each side should get whatever help can be given by people disinterested in the particular problems in the industry, which affect the principals in each side and who do not really represent the rest of the people in the United States who are affected indirectly by a disturbance.

That element of our people should be represented in the conferences on both sides while existing conditions continue, and they should have at their disposal and should have prepared beforehand complete detailed knowledge of the actual conditions affecting that industry, so that neither side could take advantage of the other because of ignorance on these matters. That before a final disagreement had been reached they should have the benefit of the information on both sides so that if either side was wrong they would know they could not escape the responsibility for their act, and in addition the good offices as mediators trying to bring about settlement could have been given in the most effective manner to both sides before such a disagreement would be reached. I believe if that is done that it will work out and have the result of both sides not only thoroughly coming to an understanding of their particular position in the industry but the point of view of each other and how it affects them, that they will get to understand the facts in the case and that the whole education and thorough knowledge of these things not only from their own point of view that affects them in their own industries but as it affects the whole people will result in the practical elimination of these contests. As I stated to you before, the double standard, in my judgment, unconsciously and in most instances is responsible for what we believe are wrong, assuming positions that are wrong in morals and equity absolutely.

I think these laws should provide that there is a maximum rate of interest or profit that an employer should have. I think personally that an employer should not have a penny more than what the services or his services are actually worth in the industry; and ultimately that provision should be made for seeing that that is all he got; but while present conditions obtain I believe there should be a maximum set, and beyond which he could not go, that would

be in the judgment of the majority of the people in the Nation who believe the present system is correct—would be as far as they could go; that there should be a minimum wage established which would enable the workers in the Nation to protect themselves physically, see that they got an education, protect the citizen of the future race and our own Nation; and I think that there should be a maximum number of hours in which any person could work. I think the Government has authority to do this as a police regulation in the interests of the standard of citizenship, protection of the weak. I believe those things should be done, and a minimization of the amount of profits that could be taken out of any industry. I believe that should be provided by law; if that is done, in my judgment, while immediately it may not result in the entire elimination of industrial disputes, I feel that it will minimize them, and more and more as we come to thoroughly understand the situation will minimize them, and ultimately, I believe, it will result in the kind of education that will establish absolutely one standard of living founded on justice and fair dealing, and then we will practically have industrial disputes, as we know them now, eliminated.

Mr. THOMPSON. Referring to the first part of your statement, Mr. Walker, in which you said that you believed some method could be devised by which both sides could get at the facts—the absolute truth—beforehand, and in that way would eliminate a lot of disagreements; have you thought of any machinery, legal machinery, of any kind or character which would carry out your idea in that respect?

Mr. WALKER. The main thing, of course, will be to have absolutely honest and impartial men who are thoroughly competent to do that work, if it is possible to find those men, and give them legally the right to penalize any attempt to prevent their getting access to the books or of having evidence in connection with the entire business, from dealing with the raw material, and that will enable the Government to get the information that is needed to enable both sides to thoroughly understand each other's position.

Mr. THOMPSON. Do you think that a commission, a national commission, having the same powers in the industrial world that the Interstate Commerce Commission does in the railroad world, would be your idea of the kind of a commission?

Mr. WALKER. Well, my experience with appointive commissions from political sources has left me with but very little confidence in them, and I believe that the kind of commission that should serve in that capacity would be men selected by workers on one side and the employers on the other side, and the workers and the employers themselves should agree on the disinterested parties that should serve in that capacity. My experience in Illinois on legal matters in regard to the mining industry has satisfied me we will get the best results from that kind of a commission.

Mr. THOMPSON. Assuming a commission was so constituted as you state, then you believe the commission should have the power as broad as the railroad commission?

Mr. WALKER. I don't know what power they have.

Mr. THOMPSON. They have the power to order a system of bookkeeping and the like of that, all down the line. In other words, you believe a commission should be constituted or instituted that would have full power of investigation?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. To whatever extent the commission considered necessary?

Mr. WALKER. Yes; and I believe if it can be done legally, provision should be made for a most thorough kind of investigation and the getting of the facts and leaving as little as possible to the commission.

Mr. THOMPSON. You believe a commission or council—call it an industrial council—would be a step in advance?

Mr. WALKER. If selected in the manner as suggested. I don't believe it would if selected by another method, because I think everybody on both sides would always look with suspicion on it.

Mr. THOMPSON. I am assuming it constituted as you state.

Mr. WALKER. Yes, sir.

Mr. THOMPSON. State briefly your experience on the mining board of Illinois which has given you that point of view.

Mr. WALKER. Well, I have had, as I have said, about 15 years' experience in some capacity acting for the miners' organizations. There was a great many things we thought we could reach through legislative enactments or that it was not the best avenue of reaching through economic organizations. The mine

workers used to go up to the legislature with what, in their judgment, was the amendments and new laws that should be enacted affecting the mining industry. The coal operators used to have their men go there with the same sort of laws, and, of course, on both sides the instructions to fight the kind of laws that was being introduced on the other side that they thought should not be enacted.

We would go in there and have open meetings before the committees and before the sessions of the legislature, and the average layman don't understand mining conditions, and the gentlemen on both sides at times unconsciously, and, in my judgment, sometimes possibly figuring they might get an advantage through it, made colored statements with reference to what legislation they wanted and the legislation they were opposed to, and at times they would be in direct conflict, and the legislator wouldn't know anything about it and would throw up his hands. If they did anything, it was guesswork rather than knowledge of facts to base their action on, and they were loath to do anything for either side. At least the honest, unbiased ones who were not there with strings on them were loath. They wanted to do what was right. They told us if we could get together and agree on the kind of legislation we wanted they would be glad to enact any kind we wanted. It would eliminate the trouble they were put up against by that method we were then using on both sides. And it resulted generally in extreme legislation—the old method—being enacted one way or the other.

We decided we would try to work out a method on the basis of their request, and introduced a bill which provided for what is known as the mining investigation commission, composed of nine members, three representing the miners and three the operators and three to be disinterested so far as their direct material connection with the industry was concerned, and among whom there had to be at least one technical mining expert. The law, of course, provided that the governor would appoint those commissioners. The governor understood the situation, understood what we wanted on both sides, and knew unless he had the good will of both sides with reference to the commission the commission's work would really amount to nothing. And I don't know whether I am relating confidences or not, but he said he would like to have the mine workers select the three men they wanted on their side of the commission and he would like to have the coal operators select the three men they wanted and he would like to have the coal operators and miners agree, if they can, on the three disinterested parties that will serve in that capacity. We agreed, and while I don't suppose it has been generally satisfactory completely to either side, my own judgment is we have made greater progress in enacting humane accident-preventing legislation in the mining industry than for any similar period in the history of the mining industry in Illinois, and we have agreed generally on the legislation we have presented.

We went in with instructions from both sides—I take it the other side got instructions the same as us—but these gentlemen who were disinterested parties, after hearing all argument, gave us the disinterested point of view, and we know they were friends of the industry or we would not have selected them. Besides showing us at times the extreme position we were taking that were hardly fair and hardly warranted by the circumstances, and then when a dispute arises that would involve a cessation of work and a cessation of labor that would be unfair, they exerted those influences on both sides that would bring us together. While, as I repeat, it has not been always satisfactory, still we have made greater progress, and there has not been, to my knowledge, since that commission was created any serious controversy in the legislature over mining legislation.

Mr. THOMPSON. Then, in your opinion, so far as the institution, say, of a Federal industrial council, selected in that method, and having full power of investigation, would be a step in advance?

Mr. WALKER. I would believe it would be in disputes as well as legislative matters.

Mr. THOMPSON. Referring to organization, I take it as being a citizen of this country——

Mr. WALKER. Just a moment before you ask that question. I want to make clear that the decision of the arbitrator wasn't binding on either side in matters of legislation. In the matter of industrial disputes, I believe the same condition should prevail. I don't believe they should have the arbitrary right to settle them except both parties agree they should do it.

Mr. THOMPSON. If they should make a decision, would you say the decision should be binding or would it be left to the voluntary action of either side to carry it out or not?

Mr. WALKER. The organic law creating the commission said that either side could disagree with the report of the commission and retain the right to make their own report.

Mr. THOMPSON. Do you think that should be in the law creating the commission we speak of?

Mr. WALKER. In order to protect each side and maintain the principles of each side they would not be done injustice I feel that it is absolutely necessary that that condition should obtain.

Mr. THOMPSON. If I understand you correctly and if I understand Mr. Carter, the head of the locomotive engineers and firemen, he took the position with reference to the present national act relating to the railroads that they don't wish to arbitrate, because the railroads refuse to carry out the award of the commission or board. Apparently his idea is when an award is made by such a board—that is, a board formed, as you probably know, under the Newlands Act—he is apparently of a view that such award should be binding on both sides. If that is his view, you disagree with it; is that right?

Mr. WALKER. I certainly do.

Mr. THOMPSON. You are a citizen of this country?

Mr. WALKER. I am a citizen of this country.

Mr. THOMPSON. You believe in the democratic institutions, I take it?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. Labor unions are democratic institutions, are they not?

Mr. WALKER. I know the ones I have been connected with are.

Mr. THOMPSON. That is the theory of all unions, is it not?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. Each member has an equal voice with every other member in carrying out the organization?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. And in the selection of the officers?

Mr. WALKER. Yes, sir.

Mr. THOMPSON. Of course, you know in our Government as such, we have had a great deal of difficulty as a people in protecting the expression of the democratic will. Various laws have been passed in this State, for instance, and in other States, registration laws and others, to protect the expression of the will of the voter when he comes up to the polling place. Generally, do you believe in laws that have that effect, that are calculated to safeguard the ballot in government generally?

Mr. WALKER. I certainly do.

Mr. THOMPSON. Do you believe that the same effort, if needed, should be made to safeguard the ballot in the union?

Mr. WALKER. I do.

Mr. THOMPSON. In other words, if the primary law operates good in general democratic institutions of the State, if such a law were needed in the management and organization and elections of the union, then you would be in favor of such a law? I mean if it were necessary to protect the ballot?

Mr. WALKER. I would be in favor of that law being the minimum means of getting a democratic expression from the membership in the conduct of an organization, but I would not want that law to be the maximum or stand in the way of an organization who had possibly gone farther in the understanding of these matters, providing even better provisions for seeing that the organization was handled democratically absolutely and kept in the hands of a majority all the time.

Mr. THOMPSON. What do you mean by better? Who finally would be the ones to determine whether or not the laws of the union were better, say, than the State laws passed like a primary law protecting the ballot?

Mr. WALKER. I can give you a concrete illustration. You can have a primary ballot and it don't mean that the man with the majority of votes is the candidate. It don't mean that the man who is a candidate gets a majority of votes to elect him to the position. If an organization has got to a place where they can arrange to see its will take an absolutely free expression of a majority of its members to decide who its officers will be and what its policy will be, I don't want the law to stand in the way of having the right to do that.

Mr. THOMPSON. Where would you want to leave the power to determine that?

Mr. WALKER. In the hands of the membership of the organization itself.

Mr. THOMPSON. If such a law were in existence and if you thought such a law were wise, you think that whether it should apply or not should be left as a matter of local option to the different organizations to make it a part of their business or not?

Mr. WALKER. Well, in the case where there was despotism established in an organization of workers outside I don't know whether I would favor legal provision for having that condition changed or not, because you can't tell what will happen if you give them that power. If I was sure it would only be used to put the organization in the hands of the members, I would be willing to have it provided by law; but under the present circumstances I doubt very much whether it would be used disinterestedly to do that.

Mr. THOMPSON. But if a law could be framed that would be disinterested, that could not be used by any faction of the public for the purpose of controlling the other faction, then you would not see any objection to it?

Mr. WALKER. I could not see any objection, except I would rather do it myself than have some outside force do it for me.

Mr. THOMPSON. In practically all States of this Union we have found it necessary to pass laws to protect the purity of the ballot.

Mr. WALKER. Yes, and most of the States insist on having certain regulations—Federal, which they can't go beyond—having the right to pass their own laws to protect the ballot.

Mr. THOMPSON. Do you know of any instance, politically, where primary laws or registration laws or other laws passed for the protection of the ballot have been used by one class against the other? Have not they generally been used as a restraining influence on politicians as such; instead of giving him more power, haven't they taken power away from him?

Mr. WALKER. Generally I think that is true. I think there have been enough exceptions to prove the rule.

Mr. THOMPSON. I agree with you on that. With reference to the trade movement, which is essentially a democratic movement, complaint has been made more or less that the expression of the will of the membership is throttled. Have you anything yourself to say with reference to whether that is so in any particular instance, and what you would prescribe, if anything?

Mr. WALKER. I have heard men in the organization make that statement, but my own knowledge of the circumstances convinces me it was because they could not get their will imposed upon the majority that they were making that statement. I have had personal experience of that sort of statement coming from people outside of the organization. Take our strike four years ago with the mine workers in Illinois. Some of my friends are in the hall; I don't know whether they had anything to do with it or not; but I know almost every train that left Chicago had a man at the end of the train throwing out bills making the claim that the officers throttled the expression of the membership with reference to whether or not they would accept the agreement the operators were proposing, and the facts in the case were absolutely to the contrary, and I found most of the expressions of that kind, made either from within or without, have been actuated by some personal interest of their own rather than a desire to protect the interest of the majority. I believe, though, that there have been some complaints made that were really well founded at times on the part of men that they did not have that kind of expression—made by honest, competent men; and if there was some authority and some means of saying that they could get the expression I believe that it would be a good thing. I would not be a bit surprised if you will enact laws that will compel every worker to get in the union and give the Government credit for going that far that they might be willing to have that and adopt regulations to see that the majority has a right to rule and give expression to the will of the majority.

Mr. THOMPSON. It has been stated, Mr. Walker, on the stand before this commission in Washington, that that section of the Canadian act which restrains the workers from striking until investigation, or at least 30 days have elapsed, for the purpose of giving investigation to the government body, is more or less in the nature of slavery and as a matter of fact could not be enforced. I think both Mr. Gompers and MacKenzie King of Canada made that statement. Now, how would you enforce a law to compel the people to join the union? What power would the Government have to do that even if it should be passed? Suppose 50,000 men in the city of Chicago decide they won't join the union, how would you force them to join?

Mr. WALKER. If you haul them up and put them in jail, I think it would have a good effect on them.

Mr. THOMPSON. It would take a very large jail. Mr. MacKenzie gave this instance of a strike of 6,000 coal miners in the western part of Canada, you have that field of work and he said it simply means the putting of 6,000 men in jail and he didn't believe in doing foolish things like that.

Mr. WALKER. It was not because they refused to join the union that he was going to put them in jail; that was not the reason.

Mr. THOMPSON. He said you couldn't put them into jail for whatever reason it might be, but that is the fact.

Commissioner O'CONNELL. They were out in violation of the Canadian act?

Mr. THOMPSON. Yes, sir.

Commissioner O'CONNELL. He did not enforce the act.

Mr. THOMPSON. Does the act in all respects meet your approval? He said no, and the question was asked why, and he said he didn't believe in doing a foolish thing like that.

What in the act would constitute the foolish thing? This position you could not imprison?

Mr. WALKER. There would be this difference in the case cited: If these men went to work for 30 days, they were required to work, the operators would have been able to put away enough stuff and coal to supply their customers for 30 days before the strike would affect them at all, and the men were opposed to doing that thing. In the other matter——

Mr. THOMPSON. I brought that up because you stated previously in your statement that is the reason, and I wished to see how you would carry out such a law even though they haven't found it well in Canada. With reference to the question of violence, the subject of violence has been talked about more or less in connection with organized labor; what is your opinion on that subject, if you have one?

Mr. WALKER. Well, to begin with the labor movement is absolutely in opposition to using other than legal, peaceable means. Generally their own power and influence is used to prevent any. In my own experience it has been where the other side by other means did not interfere and make it impossible for the workers to avoid it, there has not been any violence, I think. In the struggle we had four years ago there were over 70,000 men involved. It lasted four months and a half, and my recollection is that there was not a single man arrested even under a justice warrant for breach of peace during that entire time. The operators did not attempt to resort to violence themselves to accomplish their purpose. And neither did they import men to take those men's places. I do not know, if they had imported men to take their places, I would not guarantee that there would have been some men who persuaded some of those fellows who came to take their places, not to take them; but what there might have been enough excitement generated to actually warrant a justice warrant having been issued.

Mr. THOMPSON. So, Mr. Walker, is it not the public opinion generally that where there is a strike of any magnitude, where there has been the importation of others to carry on the work, that violence even to a greater or less degree has ensued, is that not the common public opinion?

Mr. WALKER. There is either to a greater or lesser extent; sometimes very little.

Mr. THOMPSON. Sometimes very little?

Mr. WALKER. There is.

Mr. THOMPSON. How do you account for that fact because the parties, so far as the law goes, would be within the law except in a case of violence?

Mr. WALKER. Well, I have been taught since childhood that the highest law affecting the human race was self-preservation, and the first law, and if a man is in a community, has got his family there and he is striking against intolerable conditions, he has not got money to move out, his family suffering from privation, some one takes his place, it means starvation, giving up everything they have in the wrld, having to go out of there, that possibly starvation to the extent of death, because that thing has happened right here in our own State, that the men like any other kind, under those circumstances they might do things that they would not do ordinarily under any circumstances if they had, however, a chance to be treated half-way fairly at all; and particularly when the other side endeavor to import those men to take their places, the imported men, hired spotters to be among them and excite them to acts of violence, insult them, abuse them, I don't see where any sane person could expect any person but something to happen, and my own convictions

are that if you could take the same number of people who are outside of the unions, from any walk in life at all, I do not care what kind, men even better educated among them, and putting them under the same stress and strain and in the same circumstances, that there would be even more violence than what happened with the union men.

Mr. THOMPSON. Then, in your opinion, the violence is not due to the fact that unions exist, but due to our ordinary human nature; is that it?

Mr. WALKER. Yes; ordinary human nature and a desire to live and get what is right.

Mr. THOMPSON. Which is part of human nature.

Mr. WALKER. Yes.

Mr. THOMPSON. In what respect would that attitude of men who happened to be in an organization differ from the attitude of governments as they exist in this world to-day?

Mr. WALKER. Well, from what little knowledge I have gleaned out of reading history in books and in newspapers, my own convictions are that governments, not excepting our own one, would not begin to go half as far as a union will to avoid trouble and to maintain peace. What has occurred in Mexico is pretty good evidence. Only something with reference to a flag there; it was not bread and butter or their women and children involved in the matter at all in a concrete way; maybe in an indirect way it was. But it resulted in a number of our men—in the Government sending a trained army down to compel the other side to go through that performance with the flag that they expected them to go through. That resulted in the loss of, I think, over 20 lives of our own men and two or three hundred of the others. I know if the union was to go into that kind of trouble on matters that affected them as little materially, and their families, there would be much more violence than there has been in the past.

Mr. THOMPSON. Coming back, Mr. Walker, to the question of the organization of unions and the power of the officials as they exist and as you know them, in your opinion do the officials have too much or too little power, particularly with reference to the right to call strikes?

Mr. WALKER. Well, that is a pretty difficult question to answer. I can answer it in a general way, because some officials have no power to call strikes and other officials have power to do almost anything they want to. I believe that, taking the organization I am most familiar with—that is, the Illinois Mine Workers' Union—that their powers in that respect are about as nearly ideal as you can figure them. I do not think you could give them much more power without endangering—that is, under the law—without endangering its being used unwisely. I do not think you could take but very little of the power from them that they have without making it impossible for their being able to use that power in order to get anything like reasonable treatment from the other side.

Mr. THOMPSON. Briefly stated, Mr. Walker, what power has the official in your organization?

Mr. WALKER. Well, Mr. Thompson——

Mr. THOMPSON. To call strikes?

Mr. WALKER. The only authority in the State of Illinois in the miners' union to call strikes is what they call the district executive board. That is, I think, at the present time the nine district executive boards and the members, president, vice president, secretary, and treasurer. They represent specified districts; they are the same as congressional districts, only within the State. If an individual has a dispute with a mine manager under our contracts and under our laws his duty is to try and adjust it with the mine manager first. The mine manager or the assistant is the lowest subordinate official of the operator in the operation of the mines. They are supposed to try and adjust these matters between themselves. In the event that he fails, then he calls in the mine committee—not more that three of them, each mine—and they take the matter up again with the mine manager. In the event they fail, they call in the miners' local president, along with the committee. They take it up with the mine manager again. In the event they fail, then they call in the subdistrict president—I think there are 10 subdistricts in the State organization—who takes the matter up with the superintendent and tries to adjust it. If they fail, then the State board or executive board for that district takes the matter up with the operators' commissioners. The operators have commissioners selected to handle disputes in different districts. They haven't got as many as we have, because our district executive boards have got to settle disputes within the organization as well as between the organization and the operators. If

they fail to adjust it, then it goes to what they call the board, which means four or five officials representing the miners' union. The board is composed of the resident officers—president, vice president, secretary, treasurer—with the board members from that district for all of the operators' associations. So that it gets past where the individual directly involved is attempting to handle it. Then, if they fail to settle it, a strike can be declared, If it is declared legally, it is declared by the State executive boards with all the miners' unions of the entire State. That removes the personal element in the handling of these disputes the last time they are handled and before a strike can be called.

Mr. THOMPSON. Take, Mr. Walker, a case which may exist in other lines of industry or craft, where an immediate strike would be necessary to prevent an injustice being done, at least in the minds of the union people. What means could there be to safeguard the interests both of the union and of the employer that such a strike should not be called illegally and for improper purposes? How could that be done?

Mr. WALKER. Well, it is pretty difficult to do that. In the first place you will have to try to get a majority element in control on both sides who are honest; and that can only be done by an organization of the employers as well as the employees. I believe that ordinarily a majority of the workers want to do the right thing. They have got nothing to gain by doing the work in a wrong manner, doing the wrong thing. If you have an association of employers, I believe the majority would want to do the right thing. And if some means along the same lines that the mine workers have operated between them and the coal operators could be adopted that would prevent the calling of illegal strikes for improper purposes, although there is a difference of opinion at times. Sometimes operators do not agree—that is, even when we have gone through that gamut and the executive board calls a strike—and I might say the question of opinion as to the injustice of the opinion of the other is not confined to the operators at all. Sometimes we are equally positive that they do things that are absolutely unfair and wrong. Now, in an industry where there is one employer alone and there is a local union, that one employer can act at a moment's notice any time on his side of the question. If you were to operate legally and the other side had a long gamut to go through before they could act, it would be unfair. Not only that, but where there is one employer alone that fellow can do as he pleases and there is no future consequences if he can get away with it, as he is strictly involved, and sometimes it results in his doing something that is not right by a long way.

Mr. THOMPSON. Take a case, Mr. Walker, which is easily thinkable, where there are many employers, many organizations, but where a question may arise of work being done contrary to union rules, we will say, whatever it may be, and if it is delayed for a week the work will be finished, for instance, where you can't go through a long gamut, what would you suggest in such cases to protect the union, to protect the public and the employer against either the indiscreet or wrongful actions of a leader in calling a strike?

Mr. WALKER. If it was an employer that was attempting to do something unfair that unless a strike was called immediately he would be able to get away with it; then, I suppose we would have to take chances with the officials under those circumstances. But if it was an association doing business with the general organization of the workers and in the particular industry while our arrangement is not perfect by a long way, we have got an arrangement there that does provide in a degree for a condition of that kind. If an employer discharges one of our people unfairly, or if he tries to get a piece of work done under conditions that are in violation of the contract, in the case of the discharge or throwing idle of our members, if we can prove that he did it wrongfully, they are compelled to pay the penalty or at least to pay those men their wages for the length of time they were off; if they attempted to create a condition other than provided for in the contract, deliberately, and we could prove it, there is a penalty they would have to pay for that specific act. And in cases of that kind it is common sense to believe that the officials of an organization will use the machinery as rapidly as possible to get that situation to the attention of the higher authority of the employer's side and get it in their own hands so that if they don't get recognition they can take intelligent action.

Mr. THOMPSON. I take it, Mr. Walker, from what you say, that you would agree with the testimony of Mr. Peabody, at Washington, and Eidlitz, president of the employers' association in New York, in the building trades, the stronger organization of the employers' side is helpful in eradicating such instances as that spoken of?

Mr. WALKER. When it is used in that way.

Mr. THOMPSON. Do you believe, generally, in the organization of the employers?

Mr. WALKER. What is that?

Mr. THOMPSON. Do you believe, generally, in the organization of the employers into an association?

Mr. WALKER. I believe in the organization of the employers when you provide at the same time for the organization of the employees.

Mr. THOMPSON. Suppose it is purely a voluntary matter with both sides, workers and employers; do you believe in the organization of the employers?

Mr. WALKER. Well it is dog eat dog doing business when it gets into that shape; it isn't then a question of right or wrong generally that enters into the matter. It is a question of what you can do will be for the best interests when it gets into that shape.

Mr. THOMPSON. Mr. Eidlitz used this statement, that the stronger the organization on both sides the better it would be.

Mr. WALKER. Yes; if they don't try to get together.

Mr. THOMPSON. Would you think that would operate—does that operate that way?

Mr. WALKER. It does. You can have the stronger if you have the organization on both sides.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Do you want to ask any questions, Mr. Garretson?

Commissioner GARRETSON. Yes. Mr. Walker, going back to the original statement with regard to the causes underlying industrial unrest, have you ever met with a labor man who did not feel, in a greater or lesser degree, although he may not be able to describe it in set terms, but who felt that his labor was not getting enough in proportion to the profit of the employer?

Mr. WALKER. I never met one who did not feel that. I do not think he thought it was.

Commissioner GARRETSON. Since that feeling exists, then, since the man believes that he is not getting a reasonable portion of the fruit of his labor, will not industrial unrest continue?

Mr. WALKER. I believe that industrial unrest will continue until he feels that he is getting all that he is entitled to for his labor.

Commissioner GARRETSON. What would be your remedy, or would you have one to propose, for the present inequalities that laboring men believe exist in that direction?

Mr. WALKER. Well, I believe that if it can be done at all by legal enactment that fictitious values, watered stock, inflated values should be absolutely eliminated, and then in the degree that the moral conception of the public became clarified as to absolute justice that the amount of exploitation that the employer could do with the employees should be reduced.

Commissioner GARRETSON. Do you believe that there should be a limitation placed by any means upon the amount of private fortune that should be accumulated?

Mr. WALKER. Well, I do not so much believe in the restriction of the amount of the private fortune that can be accumulated, but I do believe in restricting the methods by which people can accumulate private fortunes.

Commissioner GARRETSON. Would not the results be the same, then, whether applied one way or the other, if it acted for the abolition of the fortune—wouldn't the result be the same whether it was one method or the other, or would it?

Mr. WALKER. Well, generally speaking, that would be true, but they might accomplish the same results they are accomplishing now by—instead of using different names of corporations they do business under, the same people, they would divide their fortune among different members of the family.

Commissioner GARRETSON. Would an inheritance or income tax, or both, if that was prohibitable, would that have a certain amount of influence on that question?

Mr. WALKER. Well, I believe when you add the income tax to old John D.'s fortune, he simply adds it to the price of oil and on the other things that he has control of.

Commissioner GARRETSON. In another direction. You spoke in regard to your belief of the voluntary action in the industrial council, whatever name it might be that Mr. Thompson asked a question in regard to, I gathered that you were in favor of voluntary action on both the part of the men as well as the part of

the employer in submitting themselves to a council of that character for the settlement of industrial troubles.

Mr. WALKER. Yes.

Commissioner GARRETSON. But I misunderstood you or thought I misunderstood your reply to another question: If in the course of that settlement both sides agree to submit to arbitration—voluntarily agree to submit to arbitration and draw up stipulations under which arbitration is had—then you absolutely believe in a religious adherence to the verdict handed down?

Mr. WALKER. Absolutely.

Commissioner GARRETSON. Then you are in accord, instead of being in disagreement—you are really in accord with Carter's (?) position that if you arbitrate you should abide by the verdict?

Mr. WALKER. Yes.

Commissioner GARRETSON. His attitude is that he refuses to arbitrate on account of the failure to carry out those terms after the verdict was handed. Would you be in accord with that idea?

Mr. WALKER. If the gentleman fooled me once he would have a hard time doing it the next time.

Commissioner GARRETSON. Anybody could get you once?

Mr. WALKER. Yes.

Commissioner GARRETSON. Some more of us are that way. Do you believe any form of legislation can protect the apathetic majority from themselves—from their inaction? To illustrate: If there is a precinct voting district in which there are 100,000 voters, if 60,000 of those voters would not vote, would legislation protect them from what the 40,000 who do vote do?

Mr. WALKER. Well, I don't think you could make them vote right. If you put enough penalty on them for not voting, I think you could make them vote.

Commissioner GARRETSON. But if he would not vote you can not protect him against his own inaction?

Mr. WALKER. If you put enough penalty on for not voting I think he will vote.

Commissioner GARRETSON. But assuming he don't vote?

Mr. WALKER. If he don't vote——

Commissioner GARRETSON. He will be the victim of his own inaction, will he not?

Mr. WALKER. Yes; he will; but I wouldn't care if he was the only victim.

Commissioner GARRETSON. How is that?

Mr. WALKER. It would not be so bad if he was the only victim.

Chairman WALSH. Did you have some questions, Mr. Ballard?

Commissioner BALLARD. Yes. I would just like to ask one question: You spoke about Mount Vernon and making cars and the wages they paid in that town. Does it cost more to live—the living cost—in a town like that than in a town like Chicago?

Mr. WALKER. Well, that depends on the kind of living you get. I expect if a person wanted to live the way there that they do up here it would cost them at least as much, if not more.

Commissioner BALLARD. Could they live the same way—have they the same fine hotels and big apartment houses?

Mr. WALKER. The average worker don't live in hotels; the average worker in Chicago don't live in hotels, either.

Commissioner BALLARD. You, then, think they can live the same in a small town as they live in the city of Chicago?

Mr. WALKER. My experience has been that the sort of town don't cut much figure. It is the kind of commercial men's association that is established in the town who control the selling prices and the buying prices.

Commissioner BALLARD. That was not the testimony given in New York. They claimed in New York that they had to have different wages there because it cost them more to live in New York than in other places; therefore they had to have higher prices. You do not agree with that?

Mr. WALKER. I do not just get your question clearly.

Commissioner BALLARD. I mean to ask, Does it cost the average workingman as much to live in a small town as it does in a large city?

Mr. WALKER. Some of them it does cost more and some it costs less.

Commissioner BALLARD. That is all.

Commissioner LENNON. Mr. Walker, have you ever observed or made any investigation of violations of the law to keep the peace in times of industrial strikes and in times of peace to see how they compare? For instance, where

there are some miners arrested for violating the peace of the community during the strike, were there as many miners arrested when there was no strike?

Mr. WALKER. I think during the last—there was less arrests in Illinois in the mining community during the time of the strike than there was during normal times when there was no strike on.

Commissioner LENNON. I know the position you have held a long time. In your position have you ever known of an authorization by miners, by a miners' union or by a miners' executive board or by a single official of a miners' organization, authorizing the men to be guilty of violence?

Mr. WALKER. I do not know of any direct knowledge, except when hired gunmen, some of them with known records as criminals, were invading their homes, that men were advised to protect themselves.

Commissioner LENNON. At their homes?

Mr. WALKER. Yes. Outside of that, I have no knowledge of any in the movements to advise the employment of violence or violation of law.

Commissioner LENNON. Take the situation of miners you had in Illinois 20 years ago—you have been in Illinois 20 years, haven't you?

Mr. WALKER. Yes; easily that.

Commissioner LENNON. Take the situation of the miners 20 years ago and now. Has their material condition improved; that is to say, do they make better wages and work under better conditions now than they did 20 years ago?

Mr. WALKER. I take it as a whole that their wages have increased almost 100 per cent and that their working conditions have been made better 1,000 per cent.

Commissioner LENNON. Well, now, what effect has that had as to the elimination of social discontent among the miners? Has the social discontent increased or decreased during that 20 years?

Mr. WALKER. That discontent has very generally, in my judgment, adopted a different form. There is not the individual blind prejudice that has existed in the past on the part of the miners, who have had the benefit of this change, who have had the benefit of the opportunity to live in the mining industries in Illinois during that time. Now, suppose the men on the other side, which say there can be so much difference in the feeling, forget that there is possibly two-thirds of the miners that are in the mines in Illinois, now in the mining communities in Illinois, who have been imported into our country in recent years, who have brought with them all of the old prejudices and superstitions and customs and the illiteracy that coming from southern Europe means, without any reflection on the men from that country. I find people pretty much alike everywhere, if you will only give them a chance. But with the men that have been in the mines for 20 years there is just as intense desire on their part to make whatever improvements they believe they are entitled to as there was in the old days; but there are different methods adopted by them in trying to make those improvments. They do it in an intelligent, rational, systematic manner.

Commissioner LENNON. Do you believe the increase of general intelligence among the workingmen has tended to increase the discontent?

Mr. WALKER. Not the blind prejudice and the discontent that means so much to the detriment of industry and the people generally. I do not think it has lessened the desire on the part of those men to make what improvements they really feel they are entitled to, but it has lessened the efforts on their part blindly as individuals or as localities indiscriminately and sporadically by force to make those improvements, and has resulted in the taking, in the mining communities, the average miner that has been in the organization since it was first started, if he has a condition, a working condition, that he is opposed to, that he thinks ought to be improved on, he first finds out whether under the contract he can improve it; and if he can't, then he makes up his mind to wait until the end of the contract to take the matter up in the making of the new agreement and try to have the matter adjusted then.

Commissioner LENNON. Wouldn't, in your opinion, the effort of education among the working people give them a better understanding of what their rights as miners are in the community, and what their social rights are, and cause them to stand more strongly for the righting of those things which are wrong than they did 20 years ago, collectively to act together?

Mr. WALKER. Yes; the more intelligently, I think, possibly, and more intently make a more sustained effort to get them.

Commissioner LENNON. That is all.

Chairman WALSH. Mr. Commons would like to ask some questions.

Commissioner COMMONS. Mr. Walker, has there been improved safety in the mines in the last 10 or 12 years?

Mr. WALKER. Very much.

Commissioner COMMONS. Does that come about by this joint legislative scheme that you speak of?

Mr. WALKER. Some of it; some of it came about by the old method.

Commissioner COMMONS. And the old method was——

Mr. WALKER. Each side going on as you please in the legislature and getting what they could.

Commissioner COMMONS. What is the State inspection of mines in this State? Is there a force of State officers or State mine inspectors?

Mr. WALKER. Yes; a force of State mine inspectors, and there are county mine inspectors.

Commissioner COMMONS. How are they selected?

Mr. WALKER. The State mine inspectors are selected at the present time by civil service, I think; the county mine inspectors are selected by the board of supervisors in each county.

Commissioner COMMONS. They have been an important part in improving the condition of the mines?

Mr. WALKER. Yes and no. Up until the present time they have been appointed in most instances because of political pressure they could bring to bear rather than because of their qualifications to discharge the duties that were supposed to go with that office.

Commissioner COMMONS. You are speaking now of the State inspectors, or county?

Mr. WALKER. I am speaking of both of them.

Commissioner COMMONS. You said they were selected by civil service?

Mr. WALKER. Recently; in recent years I understand the State mine inspectors have been selected by civil service.

Commissioner COMMONS. And has that brought about an improvement in their qualifications?

Mr. WALKER. I do not think it has.

Commissisoner COMMONS. It ought to. Why not?

Mr. WALKER. The civil service as an institution could be used if it was put in; it is just like getting good arbiters; you may get thoroughly competent men to act, and a civil-service bureau that will aid the appointment of the right men would be all right. It should make for the highest efficiency in those positions, but at the same time, if one has had anything to do with the workings of the civil-service bureau, instead of making for higher efficiency, in my judgment, it makes for greater safety on the part of the politicians that do the appointing; a greater range or leeway in selecting their political friends for the job.

Commissioner COMMONS. Are these county inspectors appointed by civil service?

Mr. WALKER. No; they are appointed by the board of supervisors. They are more nearly appointed from among the men who are of the same political faith as the majority of the board of supervisors. That is the first qualification. The next is their efficiency and their ability and their good standing with their party. But being so close to the people, because the supervisors are elected directly by the people in that county, I believe they are more responsive.

Commissioner COMMONS. What salaries do these people get, these inspectors?

Mr. WALKER. Well, I think, while I am not sure, it is $1,800 a year.

Commissioner COMMONS. Do you think that is a high enough salary to get well qualified inspectors?

Mr. WALKER. I do not believe it is a high enough salary to get good, competent, efficient men to do that work.

Commissioner COMMONS. What qualifications should they have more than being an expert miner?

Mr. WALKER. Are you asking with reference to the ones on the job now?

Commissioner COMMONS. If you are trying to get the best kind of inspector, what would your idea be, to select an expert miner?

Mr. WALKER. I thought he ought to be an expert practical miner and then pass a technical examination as well to prove that he not only thoroughly understands the practical workings of mines in their operation and also the technical details of their operation.

Commissioner COMMONS. Have you considered any better method than this civil-service method of selecting these inspectors?

Mr. WALKER. Well, we have considered the question of the miners electing the inspectors. We believe we would get more efficient inspectors by that method. The coal operators feel they would not get a square deal if they were selected by that method. I believe the inspectors selected by a board would at least be more nearly selected for their qualifications to discharge their duties than they are under the present arrangement.

Commissioner COMMONS. That is, if they be elected by this legislative board?

Mr. WALKER. By a board selected part by the miners and part by the operators, and they agree on some one; we would not trust each other very much in these matters. There are some we can trust on each side that do trust each other, but there are a great many that we come in contact with that we can not agree on as being broad-minded, honest men that are well informed on the subject and would make good men for that kind of work, and generally each side would try to bring competent men, and those men, the chances are, would be a factor in a case of that kind, and they would be trying to maintain their standard with both sides and do the fair thing, and out of that kind of an appointive concern we might get good, competent, conscientious men.

Commissioner COMMONS. Has your organization ever had anything to do with the State board of mediation and arbitration?

Mr. WALKER. No.

Commissioner COMMONS. Does that board take part——

Mr. WALKER. We had once, in 1897, I think, at the inception of the organization, I think the State board of mediation, or one member of it at that time, acted in settling a dispute in Williamson County. Of course that has never been settled until here recently, and it is not quite settled yet.

Commissioner COMMONS. In recent years the State board has not intervened in these strikes that you have had?

Mr. WALKER. I do not believe that they have been requested to by either side.

Commissioner COMMONS. What is the reason for that?

Mr. WALKER. Oh, I think it is, from my knowledge of the operators and my own feelings in the matter, and the knowledge I have of the views of my own associates, we feel that it is almost impossible to get an impartial disinterested body of men to decide in cases of arbitration. Unless we can get that kind of men we do not like to agree to arbitration unless we do agree to a decision before the arbitrator is selected; and we have always felt that an arbitration board selected from political sources mostly, men who did not understand the mining industry, the details of the mining industry, if they were honest, could not be obtained from the fact that they were selected from a political source was evidence to us that we had to be careful in taking it for granted they were honest until they demonstrated it.

Commissioner COMMONS. Do you think this scheme you outlined of having an arbitration board selected in the way you propose—do you think that could have avoided certain strikes like this one we had 10 years ago?

Mr. WALKER. I do not know, I would not say positively, because there was such a wide disparity between the positions taken by both sides that I doubt that a board of mediators could have brought them together. I do not know of any other dispute hardly that has come up in all of our experience but what that board might have been successful in avoiding the trouble.

Commissioner COMMONS. You have these miners' strikes going on occasionally, I suppose?

Mr. WALKER. Yes.

Commissioner COMMONS. Illegal strikes?

Mr. WALKER. I am glad you made the statement, because the statement was made this morning, and I would like to have the impression corrected, I want to get it right on that matter. There is, it is true, under existing circumstances, illegal strikes precipitated by our members—there is not any question about that. But I venture the assertion, if you will take the records proportionate to the number of men that are responsible for these things happening and considering the qualifications on both sides as between them and the representatives of the companies, that there is a greater proportion of illegal acts committed by the representatives of the other side than there is by the members of our side of that kind.

Commissioner COMMONS. Has that matter ever been passed upon by the joint board?

Mr. WALKER. Why, every time we go to make a contract an operator has a complete detailed list of every case where we have violated the contract, in his judgment, and done it wrongfully. Then, on the other hand, we generally bring

in another list where we believe he has dealt unfairly with us; where we can not confess to the wrongful acts on each side, we disagree.

Commissioner COMMONS. What do you do in case of an illegal act; that is, what did you do while president of the organization?

Mr. WALKER. We have got a provision in there for paying a $10 fine on the part of each member of our organization where they precipitate an illegal strike. I have fined a considerable number of them, of those men, $10 apiece. In my home town I fined 175. I went into a local union one night and fined 360 of them in their local meeting. This has taken place all over the State. In dealing with industrial disputes to-day you have got to take into consideration the ultimate phase of the situation; where there is extenuating circumstances the operators have waived their right to fine, and in many instances when we have been entitled to a fine, when we thought we were getting value received we have waived as to the right to the fine, but in extreme cases where there was practically no extenuating circumstances we have fined each other on both sides, and they agreed to it.

Commissioner COMMONS. I think you said if the men were having any strike and men to take places of strikers were brought in, that you would advise, or your organization had advised, that they be resisted, violently if necessary.

Mr. WALKER. No.

Commissioner COMMONS. Did you say that?

Mr. WALKER. I did not say that.

Commissioner COMMONS. What was your statement?

Mr. WALKER. What I said was that where men were invading men's homes, insulting and abusing them and beating them up, that they should protect themselves.

Commissioner COMMONS. Suppose it is simply protecting the property and protecting strike breakers that come to take the places of the men; what is your official recommendation? What have been your recommendations under those circumstances?

Mr. WALKER. Well, if they were only men coming in to take those places and going to work peacefully, I would advise our people to let them alone and go about their business, except to take it up with them personally and try to persuade them not to take their places. I believe they have got a right to do that. I would advise them to proceed to the limit within their rights, to try and persuade those men to not take those places. Outside of that I would not advise them to go any further than that. My experience has been that they never did import strike breakers, except a bunch of disreputable, irresponsible men, whose moral and other record is absolutely wrong, who take advantage of the little power they get to insult and abuse and beat up people, and sometimes kill them; under those circumstances human nature is likely to be weak enough to result in reprisals.

Commissioner COMMONS. You are speaking now of what has happened in Illinois?

Mr. WALKER. In Illinois and elsewhere.

Commissioner COMMONS. Take Illinois. How long since anything of that kind happened?

Mr. WALKER. Not since 1897.

Commissioner COMMONS. The employers haven't resorted since that time to any strike breakers or gunmen?

Mr. WALKER. No, sir. The governor of the State sent the militia down with instructions to the operators not to import men of that kind to take the places of citizens of Illinois, and if they did he would blow them across the State line with the militia.

Commissioner COMMONS. That is all.

Chairman WALSH. Mr. Delano would like to ask a question or two.

Commissioner DELANO. I will ask you in relation to conditions existing between the coal operators and the miners in the State of Illinois, have they been pretty satisfactory?

Mr. WALKER. They have been fairly satisfactory, I think; reasonably so.

Commissioner DELANO. Why is it there has been a cessation of mining every two years? I believe you don't call it a strike, but there is a cessation lasting anywhere from five or six weeks up to two or three months. If you are able to get along, why can't you avoid that cessation, which falls rather heavily on the general public and on the consumers?

Mr. WALKER. In the operators' ranks there are a number of men who have used those periods in which the contract has expired to speculate in coal, and

previous to the expiration of the contract they have bought large amounts of coal and stored them, and then as they would have been at a dead loss and not made any money unless there was a strike, some of those gentlemen have gone themselves and had their agents deliberately and assiduously working to prevent agreements between the coal operators and the miners.

Commissioner DELANO. I have suspected that. I never heard the statement made as clearly before. Much obliged to you. That is all.

Chairman WALSH. Mr. O'Connell would like to ask some questions of you.

Commissioner O'CONNELL. You have been connected with organized labor quite a number of years, I understand?

Mr. WALKER. About 30 years or a little over.

Commissioner O'CONNELL. Not only in Illinois but throughout the miners' organizations covering North America?

Mr. WALKER. Yes, sir.

Commissioner O'CONNELL. You have been abroad?

Mr. WALKER. Yes, sir.

Commissioner O'CONNELL. Studying the industrial questions and economic questions?

Mr. WALKER. Yes, sir.

Commissioner O'CONNELL. You know the industrial conditions?

Mr. WALKER. In a limited way.

Commissioner O'CONNELL. What in your mind is the greatest force in our time for the common uplift, the building up of our higher citizenship and our higher standard of manhood and womanhood? What force, what organization, what association, what combination of people in our time has been the greatest force in that direction?

Mr. WALKER. My judgment is it has been the trades-union movement.

Commissioner O'CONNELL. Now, if you can concisely, why do you think it has been the trades-union movement?

Mr. WALKER. Well, in the first place, the matters that affect the everyday life of every worker who is a member of a trade-union, as well as those who are not members of a trade-union, that they can learn of is considered and discussed not only at the meetings but in their papers and pamphlets and by their speakers, by every means that they have of communication and education, and their every effort has been to protect the weaker one more so that the stronger movement, and to help make for the better opportunity for education and better living and little pleasures and the creation of a feeling of—a human feeling toward each other—kindliness and helpfulness, and through the power of organization and through the influence of their argument and their educational working making for the general raising of the standard of wages, shortening of hours, making more healthful, safe places, and conditions of labor; making for better education, better home life, and a higher standard of citizenship, both in men and women at all times.

Commissioner O'CONNELL. You believe that condition would not be possible at least to such a great extent without there were organizations of workmen?

Mr. WALKER. Well, it might be possible, but I doubt very much if it would obtain if it was not for the organization of workmen.

Commissioner O'CONNELL. Do you believe that the employers in our time are made up of that humane desire for the common uplift that without the force of organization they would have brought the workmen up to this high standard you speak of?

Mr. WALKER. Well, I wouldn't like to generally condemn all employers in considering that matter, but I do know this, that unless we had given them all the assistance we could, put into practice the things that meant better things for the worker and in the family, my honest convictions are we would not have gotten them.

Commissioner O'CONNELL. We hear something of the right of free American citizens to work under what is commonly called the open and closed shop and under what conditions and what wages and what hours. Do you believe if these conditions were to go absolutely without question you could expect a continuation of our standard of citizenship and of living even to continue as it is now or to go still further better?

Mr. WALKER. The fallacy of that position is so apparent I don't think any intelligent person takes it seriously. I think the person who advocates that sort of a proposition has got the ostrich, that hides its head in the sand, beat 40 ways. There is no question but what the average man that has to work for a living has to find work or he can't live. There is no question but what the

average employer will employ labor necessary in his plant or industry that he can get the cheapest, so that he can get the largest return for it.

Commissioner O'CONNELL. Do you believe it is possible for an individual to reduce his hours of labor as an individual?

Mr. WALKER. Absolutely not. The men putting into effect the policy of letting every man freely—so-called freely, because it is not at all—if you would let every man be free to select the kind of conditions and hours that he would work under, we would have better conditions than we have now, but it is an absolutely misleading misnomer for the proposition. The actual result is that all workers by that sort of proposition are forced to the level of the one who is the weakest and whose need and extremity forced them to accept the lowest wage and work under the most unfavorable conditions. That is what it means; and instead of meaning freedom for anybody it simply means putting the people who work for a living on the basis of the one whose intelligence, whose needs, whose strength, and whose want compel them to accept the meanest kind of living and to do the meanest kind of work under the meanest kind of conditions for the lowest kind of wage. That is what it means.

Commissioner O'CONNELL. You saw a sign of this kind, and I saw it myself, over a large factory door, "We don't employ union labor in this factory; we only employ free American citizens." What would be your interpretation of a man seeking employment under a sign of that kind?

Mr. WALKER. Well, if it happened to be an American citizen who wanted to belong to a union, I guess I wouldn't consider him to be a free American citizen. And Americans, that class of American citizens, would not have a right to work there. My judgment is I would not find very many American citizens who were well informed working in that plant through those gates.

Commissioner O'CONNELL. You are a firm believer in contractual relations between employer and employee?

Mr. WALKER. Yes, sir.

Commissioner O'CONNELL. In a system of bargaining for things, sitting down at the round table and fighting out by argument and conciliation the things that come between them—that condition is only possible in an organized state of affairs?

Mr. WALKER. That is the only place it is possible at all.

Commissioner O'CONNELL. It is not possible under the conditions as explained to us this morning by the gentleman who was on the stand before you, where in his factory he don't employ union people as such?

Mr. WALKER. No, sir. My experience is they won't agree; the shoe would be on the other foot. They say they only want to do what is fair, and they decide what is fair. We say we only want to do what is fair, and we decide what is fair, but they won't accept what we say is fair. They won't accept it for a minute—least of all those who take that position.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Mr. Weinstock wishes to ask you a few questions.

Commissioner WEINSTOCK. Some years ago I was appointed special labor commissioner by the governor of California to investigate the labor laws of foreign countries, and one of the conditions that forced themselves upon my judgment was this, that in Great Britain and Australasia the labor leaders and labor representatives commanded the respect and confidence of the employers generally, despite the fact that the employers very frequently had to fight them bitterly. The statement made to me personally by a great employer in England and Australia was that so far as the integrity of the labor leaders and representatives was concerned they were above reproach, and he had every confidence in them, in spite of the fact that he could not agree with them. Such a case as Sam Parks in England or Australia would be impossible. Such a case as Mayor Schmidt, of San Francisco, who was nominated and elected largely by the labor vote after it was a known fact he was a crook and scoundrel, would be impossible practically in a British labor union. A British labor union will not tolerate grafters to represent them, and the moment it becmoes known a leader is a grafter he is ostracized and made an outcast. You have been abroad, I understand, from the testimony you have given. Can you give us the difference between the attitude of the British union against graft and the attitude of the American union toward graft? For example, the other day I met a labor leader on the street and discussed the charge of graft that is going on now against labor-union leaders, and this is the statement he made: "So long as the labor representatives don't graft on the fellow worker I, for one, am utterly indifferent as to how much he can get out of the employers." Can you explain

to us for the information of the commission this difference in the attitude between the rank and file of the labor union in this country and Great Britain?

Mr. WALKER. I can give you my own view of the matter. I don't want to mention any names, because I haven't got specific instances or positive proofs that I could direct with reference to men on the union side of the question who took graft; but there is one difference between our country and Great Britain that seems to emphasize itself to me and, in my judgment, has a good deal to do with the situation. The one is in Great Britain if a case is taken into court—in 99 per cent of the cases, at least—and I think it is agreed to by everybody everywhere that has studied that situation that the evidence and the law will determine absolutely what the decision will be, and that there is no escape, and, on the other hand, from the information I can get and from what I have observed and from what I have seen and gotten through personal experience, the courts in our country are not the automatic justice-dealing institutions as what they are over there.

Commissioner WEINSTOCK. What about the case of this Sam Parks, who was convicted and served his term in jail, and after coming out of jail he was elected the grand president of a Labor Day parade, and hats were thrown in the air and he was received with hosannas?

Mr. WALKER. Well, I don't know; don't be too sure. I don't know just what the details are in the Sam Parks case, because I am not acquainted with the local situation in regard to it; but if Sam Parks had the protection of the court in enabling him to get control of the local unions and had hired sluggers and was given the protection of the courts through the influence of the contractors and was able to make it clear to any decent union man that he stood in his way, he would get his head beaten or get a bed in a hospital or be killed. If Sam Parks was over in Great Britain and was able to do that, and convince them he could do that, he might be elected to some such position in Great Britain after he could get out of jail.

Commissioner WEINSTOCK. You think the courts had much to do with the situation?

Mr. WALKER. I think the courts had a great deal to do with the situation, and I think the contractors are the primary cause of that condition being created in America.

Commissioner WEINSTOCK. I think, Mr. Walker, as an intelligent labor representative, you probably realize, with a great many others, that one thing that organized labor has greatly to fear in this country is graft in its own ranks. What steps has organized labor taken to eliminate graft from within its own ranks?

Mr. WALKER. I am satisfied that wherever a trade-union is able to uncover graft that the grafter will not get any more consideration than any other criminal.

Commissioner WEINSTOCK. Can you recall any instance where labor representatives or leaders were expelled from unions for grafting?

Mr. WALKER. Well, we had an international secretary-treasurer of ours who was grafting in his own organization, and he was expelled.

Commissioner WEINSTOCK. I mean receiving graft from outsiders—from employers?

Mr. WALKER. I can not recall a specific instance; but all you have to do is to convince the mine workers that a man has been grafting, whether there is proof of it or not, he will be put out, and he had better keep away from the community. I know of one instance where the president of one of the mine workers' unions, in 1897—a position I held myself for eight years—they had a strike, and during that struggle it transpired that he was bribed by the operators to sell out that strike, and he was expelled from that organization and went out into the western country, and the coal operators out there gave him a position.

Commissioner WEINSTOCK. In your testimony this morning touching upon the matter of violence, you made the statement that organized labor stands for law and order and as opposed to violence.

Mr. WALKER. Yes, sir.

Commissioner WEINSTOCK. Of course, you know, as all the rest of us know, that there has been a great deal of violence in labor disputes and labor troubles; what has organized labor done to make good its statement that it is opposed to violence and labor troubles? What instances can be shown where organized labor has expelled members for acts of violence or where organized labor has aided the authorities in bringing wrongdoers within the range of justice?

Mr. WALKER. I can not give you a specific instance, and that is a rather big question, and a man would have to consider it from different angles in order to do justice in the premises, but the fact that there were 70,000 men from every nation, from the top of the earth, coming from the humblest walks of life, went through a four and one-half months' strike without one being arrested for even a breach of peace is some evidence that there is something making for peace on the part of the trade-unions.

Commissioner WEINSTOCK. What would have happened if they had tried to replace the strikers with strike breakers?

Mr. WALKER. If they had tried to replace the strikers with strike breakers who peaceably went on to work and did not attempt to intimidate or beat up the strikers, I do not think there would have been any violence. You can not always blame the strikers, where often when they attempt to take the matter up peaceably, one word will lead to another, and they will forget themselves, and there is trouble; but ordinarily I will venture to say that the employers in this country, when they seek to get the men to take the places of men that leave their jobs, and in the event of overt acts on the part of the strikers—if they would seek relief in the courts rather than hire murderers and criminals to beat men up and murder them—if they would pursue peaceable means according to law, I venture to say that inside of 10 years you would practically have violence eliminated.

Commissioner WEINSTOCK. Now, Mr. Walker, I understood you to say a few moments ago that you had no confidence in our courts as compared with those of England?

Mr. WALKER. In view of the fact that they don't see that the other side adopts peaceable, law-abiding methods in handling their side of these industrial disputes. Could you expect me to have confidence in a court that will countenance coal operators hiring armored trains or copper-mine owners from importing men with records as murderers, and clothe them with authority of the law in violation of the law and allow those men to go out on the streets, insulting, abusing, and beating up people when an overt act has been committed on the other side?

Commissioner WEINSTOCK. And then, as you pointed out, if Sam Parks can intimidate the courts from the labor point of view, what help will the employers have?

Mr. WALKER. It is wrong for the courts to protect men like Sam Parks.

Commissioner WEINSTOCK. You think that in the case of Sam Parks it is the employer that controls the court instead of the workers?

Mr. WALKER. I am honestly convinced that is the fact.

Commissioner WEINSTOCK. And they were using Sam Parks unjustly to destroy their competitors?

Mr. WALKER. Yes, sir.

Commissioner WEINSTOCK. You also stated that in you opinion the worker would not be satisfied, whatever his condition might be, until he received the fullest share of his product; are we to understand from that, Mr. Walker, that you are a Socialist?

Mr. WALKER. Yes, sir.

Commissioner WEINSTOCK. Then you believe in collective ownership?

Mr. WALKER. Yes; Government ownership; the people to own and control the things they use in common, and to own and control individually what they use individually.

Commissioner WEINSTOCK. You further believe that workers ought to be, if necessary, compelled to organize; that is, if they organize voluntarily, well and good; but if not, that they should be compelled to organize; you would put the legal machinery in operation to compel them to organize?

Mr. WALKER. Yes; and after they got to understand it, they would stay in the organization whether they were compelled to by law or not.

Commissioner WEINSTOCK. Then you would favor employers likewise?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. You are, of course, familiar with the Australian system, where the State itself does not compel the workers to organize or the employers to organize. but makes it attractive to them to organize, and thus 75 per cent of the Austrialian workers are organized, which is the largest percentage of organized labor in the world. If we should follow the same method in this country, and this commission should recommend some such system as obtains in Australia or some of the States should adopt it, you further believe,

as I gather from your testimony, that you would have labor disputes settled peaceably without cessation of work, if possible?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. How could that be done? Tell us, if you can, what machinery you would provide that would make it possible to settle all labor disputes without cessation of work?

Mr. WALKER. I do not believe you would settle all labor disputes without cessation of work unless you adopted a policy of compulsory arbitration.

Commissioner WEINSTOCK. Would you be in favor of that?

Mr. WALKER. I would not.

Commissioner WEINSTOCK. Then, eliminating compulsory arbitration, what would be the next possible solution?

Mr. WALKER. As I said, I believe there ought to be representatives of the Government sitting in every joint conference between employers and employees, where the question of making contracts is up for adjustment, and they ought to have all of the information about the matter so that there can be no misunderstanding.

Commissioner WEINSTOCK. Granting that all that was done, and still the dual parties could not agree, and neither party was willing to accept the recommendations of the officials, then what?

Mr. WALKER. I believe by that process that the process of education would go on to a point where there would be practically no possibility of a strike, except that it was on some fundamental right of either side, and I believe that a cessasion, a short cessation of work, in a case of that kind, where the mediators would use their best offices, would qualify the situation so that there would be no serious disturbance.

Commissioner WEINSTOCK. In any event, the system you suggest would minimize that?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. What is your opinion, if you care to express it, on the Canadian law?

Mr. WALKER. I have read it over once or twice and have had it quoted to me.

Commissioner WEINSTOCK. Briefly, I can give it to you in a few words. The Canadian law provides in connection with public utilities only that when the union votes to strike, or when the employer proposes a lockout, and inquiry must be had in the hope of adjusting the difficulties, and the recommendation of the State board can be accepted or rejected. If rejected, then a strike can legally take place or a lockout take place. If, pending the investigation, a strike or a lockout takes place, either or both sides are liable to punishment. Do you favor that system?

Mr. WALKER. No.

Commissioner WEINSTOCK. What is the weak spot in it?

Mr. WALKER. In the first place, just to speak from knowledge of this last trouble in which our people were put under the ban of the law because we did not comply with the law. Take, for illustration, in Illinois you have had testimony that there is at least capacity to meet the demands for a supply of coal. My judgment is that they could produce three times as much coal as needed to supply the demand, and that is three times the cost to the people that have to buy it. Now, after declaring by vote that they were going on a strike, had they continued to work for 30 days, and the coal operators worked to full capacity, then our folks could have stayed at home 60 days without any work at all, and before the strike began to have any effect upon the coal operators; that is one feature of it that I do not like. On top of that, I believe the best way to settle a strike, if it can be settled at all, is to use your good offices before the strike either takes place or is ordered, and have the effort made before the strike vote is taken, and I think that would have more influence. On top of that I am satisfied that the workers have not got confidence in the men selected by the method that those representing the government in Canada are selected. I am a Socialist and the other man may be a Republican and another a Progressive (a Bull Moose); and in the political battle we naturally look with suspicion on the fellow who stands for something different than we do, and on the part of the workers, they naturally look with suspicion on anyone that has been selected through the machinery of the party that is controlled by the employing interests.

Commissioner WEINSTOCK. On the whole I take it you would be opposed to any system that had anything of coercion in it?

Mr. WALKER. Anything of coercion except absolutely showing up that in the event of a strike they took the wrong position.

Commissioner WEINSTOCK. You were present when Mr. Piez testified this morning?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. Do you remember one of the reasons he gave for not dealing with organized labor generally was the fact that the unionist felt he owed his first allegiance to the union and not to the empolyer?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. Is that true?

Mr. WALKER. It seems to be reasonable; he knows the union is trying to increase his wages and the employer is trying to reduce them, and it stands to reason that he would feel more friendly to the institution that was trying to improve his condition than to the other.

Commissioner WEINSTOCK. So, that if a controversy should arise between the employer and the union, the attitude of the rank and file would be to stay with the union rather than the employer?

Mr. WALKER. If that would not be true there would be no need of unions; if I had more confidence in the employer I would stay with him.

Commissioner WEINSTOCK. So you do not deny Mr. Piez's statement?

Mr. WALKER. I think it is absolutely unreasonable to expect anything else.

Commissioner WEINSTOCK. And if any transactions occurred between the union and the State, with whom would the members of the union stand?

Mr. WALKER. I suppose that would be like the forefathers of our Nation, we would figure out what was right and stand by it.

Commissioner WEINSTOCK. What does the union teach on that score? Does the union object to its members joining the National Guard?

Mr. WALKER. Some do and some do not. I do not think, though, that there is any union that would object to its members joining the National Guard if the National Guard was used for the purposes that it is supposed to be used for.

Commissioner WEINSTOCK. But take the conditions as they exist in Illinois to-day. What is the attitude of organized labor toward its members joining the National Guard? Does it penalize them in any way for joining the National Guard? Is there anything in its by-laws that prohibits its members from joining the National Guard?

Mr. WALKER. Nothing that I know of, except their self-respect and the knowledge of what has happened, and for what purposes the National Guard has been used and the possibility of what it might be used for.

Commissioner WEINSTOCK. And if a member of the union did join the National Guard, what would be the attitude of the fellow unionists toward him?

Mr. WALKER. I do not think there would be any particular ill feeling toward him. I know many men that have served as Regulars in the Army of our Nation.

Commissioner WEINSTOCK. I do not mean Regulars.

Mr. WALKER. I am making it, if anything, stronger. I know of men whose forefathers have served in the Revolution and in the Civil War who have advised their sons that if they joined the Army, used as it is now, they would drive them out of their homes.

Commissioner WEINSTOCK. So, at least those unionists you have in mind now, which you have just described, if it came to an issue between the union and the State, would stand for the union and against the State?

Mr. WALKER. If the State would stand for the things which our Nation is supposed to stand for, they would be opposed to the unions if it took a wrong position; but my idea is that the unions would be with the State if it was right. If the rights of our people in the Nation were involved to-morrow and a condition was created that meant war, I do not think any body of men in the Nation would contribute as many soldiers as the unions.

Commissioner WEINSTOCK. Just one more point: You pointed out that where a man goes on a strike and his job is at stake and he has a little home and he has a wife and babies and he sees another man coming in to take his job, that it is only natural for him to do everything possible within the law if possible, and perhaps beyond the law, if necessary, to protect his little home and his wife and his babies, to hold on to that job. Now, how about the man who has got the job, who either may be a unionist or a nonunionist, as pressure is brought to bear on him by unionists to quit his job, and he does not want to quit his job by reason of the fact that his wife and little babies will suffer if he does? Has he not as much right to hold on to the job as the other man has to get back the job he lost?

Mr. WALKER. He has in a degree; if the question only affected those two as individuals, and if it was a job that only affected the families of those immediately concerned, he would be absolutely right, but the man that stands in the way of reasonable progress on the part of all the people in the Nation, would not, in my judgment, be entitled to the same consideration as the man who is standing for something that is reasonable progress in the citizenship of the Nation. Legally one is entitled to as much protection as the other, but that is not the way we generally find it. You go down to Knab's restaurant, and you find a big brass-buttoned policeman, who never did a day's work in his life, and refuses to work and who is getting $5 a day—you find him keeping women from working for $7 a week on 10-hour shifts, and that makes a man scratch his head; I tell you it is not right morally whatever it might be legally.

Commissioner WEINSTOCK. In answer to a question of Prof. Commons you explained that one of the reasons why the State board of mediation was not used by either side was because neither side had confidence in such a board, due to the fact that it was looked upon as a political board. When you said "political board" did you have in mind union politics?

Mr. WALKER. No; I meant selected by the political party that happened to come into power at the last election.

Commissioner WEINSTOCK. That is, your theory would be that the government would select men of its own political faith?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. And that these men would be likely to be biased?

Mr. WALKER. Yes.

Commissioner WEINSTOCK. And therefore could not act fair?

Mr. WALKER. Yes; and would be influenced.

Commissioner WEINSTOCK. And therefore you do not think that any political board of mediation would be likely to be a success?

Mr. WALKER. No. Those positions are generally filled to pay political debts, and such small positions as those would be gotten by the smaller fry who did political work.

Commissioner WEINSTOCK. Now, another suggestion that comes to this board as likely to better conditions is to recommend to Congress a permanent industrial board that shall have substantially the powers that the board of mediation has in dealing with railroads, and such a board would doubtless be appointed by the President. Do you think the same objections you have pointed out against a State board would hold against such a board?

Mr. WALKER. I honestly believe they would; that, while the President might appoint men that were clean and conscientious and absolutely honest, still if the men involved in the different sides of a dispute did not have confidence in them they would not be likely to utilize that board.

Commissioner WEINSTOCK. Then, in your opinion, such a proposed permanent industrial board would not be any relief?

Mr. WALKER. Well, that board, if the President was to act on that general proposition in the same way that Gov. Deneen acted on this other proposition, it might have the same result as our mine investigation.

Commissioner WEINSTOCK. What was that result?

Mr. WALKER. The law provided for the mine investigating commission and gave authority to the governor to appoint it, but he took it up with the miners' organization to have them recommend three men they wanted, and the operators to recommend three men they wanted, and for them to agree on the three they wanted. Now, if the President appointed three members of that commission and then asked the labor unions and the employers to agree on the impartial members, then the labor unions would have confidence in it because their men would look after their interests, and the employers would have confidence in it because they would be represented.

Commissioner WEINSTOCK. Then, your criticism to the proposed plan is not so much to the plan as to the manner in which the board is chosen. Assuming that the board is chosen wisely, what then?

Mr. WALKER. I believe if it can be done that will result in adjusting industrial disputes and heading them off.

Commissioner O'CONNELL. Mr. Weinstock asked you about the Sam Parks case in New York and his organization and the other organizations expelling members for graft. Have you ever heard of a manufacturers' association, in your experience, either city, State, or National, or any association of employers of any character, city, State, or National, ever expelling one of its members—

either suspending or fining them—for the payment of money to labor leaders or labor men of any kind in connection with what is generally called "graft"?

Mr. WALKER. Never a single one. An instance occurred in our organization recently where it is charged the coal operators paid $20.000 to two men, and that they did not get anything in return for it, and I do not believe they paid it or got any return if they did paid it to those two men. And then the operators wanted the men removed for graft, and the coal operators that gave the money, no charge has been preferred against them, except as our officers have said they would not do business with them.

Commissioner O'CONNELL. They are still in the coal operators' association?

Mr. WALKER. Yes, sir; and one is president of the Coal Operators' Association of the Southwest.

Mr. THOMPSON. Is it not your idea that one of the benefits of the unions is that they have tended to put employers on equality and, by eliminating competition in wage scales, made it possible to increase wages without suffering business destruction.

Mr. WALKER. In the coal industry our agreement is based on the expressed principle that it be made so that each operator, as far as possible, considering conditions of transportation, etc., gets into the market with a fair chance of selling his share of coal in that market.

Mr. THOMPSON. Then that question is correct.

Mr. WALKER. Yes.

Mr. THOMPSON. Do you believe that the unions should not stop manufacturers from working by sympathetic strikes when the disputes are among the unions, say, arising from jurisdictional disputes, for instance?

Mr. WALKER. I believe that jurisdictional disputes should not arise at all; I believe that is a weakness on the part of the labor unions that they do arise. I think ultimately they will be able to eliminate jurisdictional disputes.

Take it in the mining industry, where they have at least 32 classes of labor that work in and around the mines, and such a thing as a jurisdictional dispute is unheard of. If you brought up the question of a jurisdictional dispute, they would not know what you are talking about.

Mr. THOMPSON. Is it not a fact that your union is more what is commonly called an industrial union?

Mr. WALKER. It is an organization of employees in the coal-mining industry.

Mr. THOMPSON. And what is true of your industry, because of the formation of the organization, is true of the Needle Trust?

Mr. WALKER. In some portions of it. Whenever organizations are established, I do not think any jurisdictional questions are raised at all.

Mr. THOMPSON. With reference to the part of your statement about earnings, would you guarantee by law a minimum return to the employer?

Mr. WALKER. No; I would be willing to guarantee to the employer, before he invested his money, expert information from the Government as to just what he could expect, and then if he puts in his money with positive knowledge that it would be a failure, he would have to take the consequences of his own foolishness.

Chairman WALSH. Then there is no means you can suggest by which such a guaranty could be made?

Mr. WALKER. I would be willing to agree, if all things were fairly represented to a man when he invested his money in the business, with the O. K. of the Government, that he would be guaranteed a minimum.

Chairman WALSH. Then, you would be in favor of such laws as would guarantee an employer a minimum return of his investment?

Mr. WALKER. Ultimately I would not be, as I said, but while this condition of affairs existed I would be in favor of it as a part of progress.

Mr. THOMPSON. In this connection, it has been suggested you stated there should be a limitation to the maximum.

Mr. WALKER. Yes, sir.

Mr. THOMPSON. How would you provide for a minimum profit? How they should get it in case the business didn't earn it? From what kind of fund would that be paid?

Mr. WALKER. I suppose it would have to come out of the profits of the general fund.

Mr. THOMPSON. An insurance tax on the profits?

Mr. WALKER. You could take it out of the tax from that particular industry.

Mr. THOMPSON. Would you compel employers to employ at the minimum wage unemployed?

Mr. WALKER. Well, if there was no other employment for those workers on the employers' own industry that the workers could get a living out of, I believe they ought to be compelled to employ them or give them what we considered to be the minimum to enable them to keep their families decently.

Mr. THOMPSON. In that latter case, would you take it out of the general taxation?

Mr. WALKER. I would take it out of that industry. I suppose it would have to be made general.

Commissioner COMMONS. Suppose you guaranteed the employer profits; then you would require him to hire all the laborers?

Mr. WALKER. I told you under the present arrangement if you tried to make a perfect institution out of it it is a good deal worse than trying to patch that old pair of pants that was patches. I am willing to do anything to help, but that is beyond me.

Commissioner COMMONS. Do you talk your views of socialism to the workers?

Mr. WALKER. Yes, sir; at times when invited to or given sufficient provocation.

Commissioner COMMONS. Do you think the high wage in strong closed-shop trades has anything to do with either the lower scale of wages for other laborers or with the increased cost of living.

Mr. WALKER. Well, it may possibly. But if the workers didn't get as large a share of the results of their labor where they have a thorough organization, it is possible that the employer might be satisfied with the profit he is now making and give it to the general public in the way of reduced living, but my own judgment is they would have to be watched mighty close. It is just like Mr. Piez has told you; he wouldn't reduce it unless he had to, and he would put it up as high as he possibly could. I don't think it would cut any figure.

Mr. THOMPSON. Would your organization be willing to file a copy of the agreement between it and the Western Federation of Miners, provided it is in writing?

Mr. WALKER. Our organizations are all public. Anybody can get a copy of the contract and by-laws and a verbatim report of the conventions and conferences.

Mr. THOMPSON. That is all.

Commissioner LENNON. I would like to ask you to furnish us as far as under your control a copy of those agreements and laws.

Mr. WALKER. All right.

(See Walker exhibit.)

Commissioner GARRETSON. Your organization holds jurisdiction over the Crow and Esquimo territory, do they not?

Mr. WALKER. Yes, sir.

Commissioner GARRETSON. And the local organizations in the P. E. I. country—Prince Edward Islands?

Mr. WALKER. I don't know what you mean by P. I. country. We have jurisdiction over the coal-mining industry of the United States and Canada.

Commissioner GARRETSON. In the enactment of the Canadian industrial act is it not a fact that all of the miners thought it would be a beneficial act and favor to pass it?

Mr. WALKER. Not all of them.

Commissioner GARRETSON. The bulk of them?

Mr. WALKER. There might have been some of them.

Commissioner GARRETSON. Didn't they find out the first time an involved investigation was held that the employers utilized it to put enough supply of coal on the ground to last during the entire period that industrial strike might take place?

Mr. WALKER. That was my information.

Commissioner GARRETSON. And from that time haven't they repudiated the act and been opposed to it?

Mr. WALKER. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Call your next witness.

TESTIMONY OF MR. DUDLEY TAYLOR.

Mr. THOMPSON. Will you give us your name?

Mr. TAYLOR. Dudley Taylor.

Mr. THOMPSON. And your address and business?

Mr. TAYLOR. 1818 City Hall Square Building, Chicago.
Mr. THOMPSON. And your profession, Mr. Taylor?
Mr. TAYLOR. Lawyer.
Mr. THOMPSON. With whom are you engaged in a professional way?
Mr. TAYLOR. I presume you refer to my——
Mr. THOMPSON. Are you in general practice?
Mr. TAYLOR. I am general counsel for the Employers' Association of Chicago.
Mr. THOMPSON. For how long have you been such counsel?
Mr. TAYLOR. I have acted in that capacity for the past 10 years.
Mr. THOMPSON. How old an organization is the Employers' Association of Chicago?
Mr. TAYLOR. I think it was organized 11 or 12 years ago.
Mr. THOMPSON. And have you been counsel almost from the beginning?
Mr. TAYLOR. Nearly so.
Mr. THOMPSON. What membership has your association? Among what classes of employers, and about how many?
Mr. TAYLOR. Well, it has associations of employers affiliated with it. It is also comprised of individual firms, principally in the manufacturing business in this city.
Mr. THOMPSON. What other associations of employers are affiliated with your association?
Mr. TAYLOR. Well, there are various associations. Not being the secretary, it is not quite within my knowledge.
Mr. THOMPSON. I would like to have such information and knowledge as you have.
Mr. TAYLOR. Well, I could say offhand that the Furniture Manufacturers' Association is a member. Some of the retail organizations—I think the State Street retail stores are members. Whether or not the metal trade is affiliated now I don't know; it has been. Various other associations. I don't know, but I think the number principally is made up of individual firms.
Mr. THOMPSON. Located in and around Chicago?
Mr. TAYLOR. I think all in the city.
Mr. THOMPSON. Have you a copy of these questions?
Mr. TAYLOR. I have; yes, sir.
Mr. THOMPSON. The first one relates to your organization and your membership. Would you have any objection to supplying the commission with a copy, stating the membership of the different associations, and of your by-laws and constitution, if you have one?
Mr. TAYLOR. You are welcome to the by-laws. As far as the membership is concerned I am not in a position to speak, not being secretary of the association, and it is a matter that possibly would have to be referred to our executive committee.
Mr. THOMPSON. Who is the secretary of your organization?
Mr. TAYLOR. William M. Webster.
Mr. THOMPSON. Did you take up with him these questions that were submitted to you?
Mr. TAYLOR. No, sir.
Chairman WALSH. Can't you, as president of—you are just counsel?
Mr. TAYLOR. Only counsel.
Chairman WALSH. What other organiation is yours affiliated with—I mean larger body?
Mr. TAYLOR. No other organization so far as I know.
Mr. THOMPSON. Did you hear the testimony of Mr. Walker on the stand to-day?
Mr. TAYLOR. No, sir; I did not.
Mr. THOMPSON. What relation, if any, does your organization sustain to the National Association of Manufacturers, for instance?
Mr. TAYLOR. None whatever.
Mr. THOMPSON. Any friendly relationship?
Mr. TAYLOR. I suppose we exchange printed matter.
Mr. THOMPSON. In other words, you have no agreement or understanding, of any definite or indefinite arrangement?
Mr. TAYLOR. None whatever.
Mr. THOMPSON. Whatever may exist between the two organizations is purely a matter of comity?
Mr. TAYLOR. Precisely.
Mr. THOMPSON. And incidental friendship?
Mr. TAYLOR. Mutual interests, possibly.

Mr. THOMPSON. You may give, if you will please, as briefly as you can, a statement of the activities of your association so far as it touches on the labor proposition, industrial matters, since you have been counsel.

Mr. TAYLOR. I should say that the employers' association was formed for purely defensive purposes, feeling a need on the part of the employers to organize to meet demands which were considered more or less unjust. Since that time it has been conducted almost entirely if not entirely as a defensive organization. We are interested in the subject of strikes and boycotts affecting our members. We are sometimes interested in a general way in strikes and boycotts which do not affect our members, but in which we feel we are indirectly concerned. We furnish legal services in the matter of prosecution for violence and for intimidation, and in obtaining convictions and proceedings for contempt under injunctions. We advise to some extent in relation to the factory laws and matters of that sort.

Mr. THOMPSON. To what extent, if any, does your association advise with reference to the methods of conducting the industrial disputes such as strikes on behalf of one of your members?

Mr. TAYLOR. Well, it differs according to circumstances. The employer who is a member of our association may not require any services from us—perhaps some large concern which maintains its own legal department and is able to handle the thing itself. Others call on us for more or less limited services. Others ask us to take entire charge of the legal phase of things and to furnish guards to them, for instance, to accompany their men back and forth to the place of business.

Mr. THOMPSON. Then the services you render are not entirely limited to the defense and prosecution of suits, but also includes the question of furnishing guards.

Mr. TAYLOR. Yes, sir.

Mr. THOMPSON. Do you ever give advice generally as to the methods of conducting strikes, or warfare, rather?

Mr. TAYLOR. Yes, sir; very often an employer finds himself in a position where he feels he is entitled to some relief and requires advice, and it is given to him. He does not understand the situation himself, perhaps, from the various angles, and he thinks we do, and is glad to avail himself of our advice.

Mr. THOMPSON. In other words, as you stated at the beginning, your association is an employers' defensive association?

Mr. TAYLOR. I think so.

Mr. THOMPSON. And as such would furnish such aid and advice and assistance as in your judgment and the judgment of the member who is in trouble should be given?

Mr. TAYLOR. Generally speaking, that is true.

Mr. THOMPSON. Of course, I am assuming legal methods.

Mr. TAYLOR. Yes, sir.

Mr. THOMPSON. And that there is no limit other than what is legal to the help you may give to a member in case of industrial trouble?

Mr. TAYLOR. Well, I don't know what all that implies.

Mr. THOMPSON. I am leaving out—of course, assuming you would not do anything illegal and leaving out all questions of financial aid as such.

Mr. TAYLOR. Yes, sir.

Mr. THOMPSON. Now, in the carrying on of the work during times of peace what aid or help does your association give to its membership?

Mr. TAYLOR. It gives such advice then as to matters which come to our attention in relation to factory laws and decisions or something of that sort. Might possibly advise them as to the organization and work of this commission for instance. General information about things which we think are of general interest.

Mr. THOMPSON. And would you be apt to advise employers as to the means to prevent industrial trouble?

Mr. TAYLOR. Yes, sir; oh, yes.

Mr. THOMPSON. That would come within your work of counseling?

Mr. TAYLOR. Yes, sir.

Mr. THOMPSON. And would have a fairly broad scope, would it not?

Mr. TAYLOR. I should say so; yes, sir.

Mr. THOMPSON. Now, in respect to this work, would you be apt, if called upon, to give advice as to the organization of any particular employer's shop?

Mr. TAYLOR. No, sir.

Mr. THOMPSON. In regard to the carrying on of strikes and with reference to conditions existing in times of peace in the shop of a member of your association do you have any so-called squads of men who may go around and work in these various shops and find out the conditions which exist?

Mr. TAYLOR. No, sir; nothing of that sort.

Mr. THOMPSON. That is carried out in some associations; I presume you know that.

Mr. TAYLOR. I understand there are some national associations which have workmen who are sent from place to place to help out during labor troubles.

Mr. THOMPSON. Or even without labor troubles existing?

Mr. TAYLOR. Not that I know of.

Mr. THOMPSON. Well, for instance, if there are associations that provide men to go around——

Mr. TAYLOR. You are inquiring about something of which I have no knowledge.

Mr. THOMPSON. I just wanted to find out whether your association did any of that work or not.

Mr. TAYLOR. No, sir.

Mr. THOMPSON. What is the attitude, if any, of your association toward the organization of workers; of your membership toward trade-unions?

Mr. TAYLOR. Generally speaking, it has seemed to me that the members of our association are inclined to liberal, fair views and to appreciate the justice of organization. From my talk with them I am satisfied that they would prefer to do business with organizations of labor provided they were reasonably safeguarded so that they could do business under safe conditions and not have their business disrupted by some unjust demands, some whim or caprice. If they could only feel there was stability enough that the union organization was conservatively directed and managed, I think there would be no complaint, as the employer is looking, above all things, for stability. He must know that his business can go ahead. I don't think he has any quarrel with organizations as such.

Chairman WALSH. At this point we will stand adjourned until to-morrow morning at 10 o'clock, to meet in this same room. Kindly resume the stand at 10 o'clock to-morrow morning, Mr. Taylor.

(At 4.30 p. m. of this Tuesday, July 21, 1914, an adjournment was taken until Wednesday, July 22, 1914, at 10 o'clock a. m.)

CHICAGO, ILL., *Wednesday, July 22, 1914—10 a. m.*

Present: Chairman Walsh; Commissioners Commons, Delano, Weinstock, Ballard, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. You may proceed now.

Mr. THOMPSON. Mr. Taylor, will you take the stand?

TESTIMONY OF MR. DUDLEY TAYLOR—Continued.

Mr. THOMPSON. Mr. Taylor, in your 10 years of counselship with the Employers' Association of Chicago, during that time have you acquired any views or opinions with reference to trade-unions?

Mr. TAYLOR. Yes.

Mr. THOMPSON. As constituted at the present time?

Mr. TAYLOR. Yes.

Mr. THOMPSON. You have?

Mr. TAYLOR. Yes.

Mr. THOMPSON. Will you give to us, as briefly as you can, your opinion in regard to them?

Mr. TAYLOR. Mr. Thompson, may I make a suggestion that I be allowed to cite a specific case and draw some conclusions from it?

Mr. THOMPSON. You may do that, and be as brief as you can.

Mr. TAYLOR. I notice in a morning's paper a statement made by Mr. Walker, the last witness heard yesterday, to the effect that the waitresses are endeavoring to obtain $7 a week and obtain one day's rest out of seven. And I want to refer briefly to that and indicate to you the way in which matters come into our office, the consideration which influences us, something about how we proceed and what we think ought to be done, and if I can give this commission anything at all it will probably come out in discussing this matter a little bit.

In November or December of 1913 the waitresses' unions, cooks' union, and the waiters' union started out on a campaign to unionize those occupations in the city of Chicago in the hotels, restaurants, and the lunch rooms. That stands admitted as a matter of court record. They sought to get the restaurant keepers and food-exchange members operating lunch rooms to sign a closed-shop agreement, which also provided for a scale of wages, the wages of the waitresses to be $8 a week, and also for one day's rest in seven.

The first attack was made upon the Henrici restaurant over at 79, I think, West Randolph Street. There were a considerable number of pickets there, I think some six on the average, for quite awhile. There was a great deal of publicity attending it and great crowds gathering. And finally there was an injunction proceeding, and in that injunction proceeding the courts after hearing the case upon its merits held that all boycotting which was not enforced by violence or intimidation was legal, and all picketing which was not enforced by violence or intimidation was legal; but took the position that because this picketing occurred in a crowded district of the city it necessarily resulted in disorder and must stop, and although its injunction order did not read that way and in fact did not prohibit picketing, as they were doing, nevertheless that was the intimation of the court, and it stopped.

They then attacked Mr. Knab, and Mr. Knab has a string of seven or eight restaurants in the city, and I think all of them within the Loop. Mr. Knab for 10 years or more had never discriminated against union labor, employing union and nonunion labor; when he was requested to sign a closed-shop agreement last fall he signed a closed-shop agreement. He operated under it for four months, and he claimed that he could not get the help from the union which he needed and must have, and his business suffered in consequence; that he had to employ others outside; and, not to make it a long story, it did not work; consequently he refused to renew the agreement; but his wages were the union wages or better; his hours were the union hours or less; his days of the week were those of the union; and there was absolutely no point of difference between Knab and the waitresses, the waitresses and the cooks, other than the closed-shop provision of the contract under which he must let the unions send him all of his help provided the union was able to do it, and if it was not able to do it, then he might employ as he pleased. But his new employees must join the union within three days. He had found by experience that he could not enforce that proposition—that is, he was in continual trouble and he would not undertake to continue under such an arrangement. Knab has been subjected to picketing and boycotting ever since May 1. It is now some 85 days. This picketing consists, undoubtedly under the advice of counsel, of two women generally, and sometimes one, who pass back and forth slowly in front of each restaurant and bear signs. The signs are changed from time to time. The present one reads: "With your assistance we will win our strike against Knab." As I say, this has been going on for 80 or 85 days. There has been no attempt on the part of these pickets to interview employees as might be expected in the ordinary trouble, absolutely no attempt. It has all been directed to inducing or influencing the patronage, influencing people not to patronize the place. It is a direct attack upon the patronage to destroy it. It has been from its inception May 1.

Mr. Efting and Mr. Powers, who also own a string of restaurants in this city—one owns five and I think the other owns six—were interested in the Powers Baking Co. with Mr. Knab, a separate corporation. As near as we can get at it from all we have learned, they coupled Efting and Powers's name with Knab's and extended this boycott against those restaurants. Technically there is no strike and practically no strike against either of those persons; none of their employees went out; all of them were well satisfied and stayed in their positions, and there is no attempt on the part of the union to get them out; but it is simply an attempt to destroy the patronage of those two men.

This has continued now, except for a brief interval of several days, I should say, approximately two weeks. In front of these restaurants of Efting & Powers they did wear signs, and I think they still are, which state that Efting & Powers are in a combine to keep the waitresses from getting one day's rest in seven. That is the sole information conveyed to the public by the pickets in front of those restaurants.

As a matter of fact, Powers has never employed waitresses, but nevertheless his place is picketed by waitresses. Efting employs no waitresses and only a very few waiters, and his place is picketed that way. As a matter of fact, for a considerable time past they have not employed people seven days a week, but have granted one day's rest in seven, and that is not the issue.

They pay the union wages or more and work union hours or less, and there is absolutely no issue with either of those two men except a closed-shop agreement, of which I spoke.

Now, this matter comes into our office. Here are men who have been taught ever since they understood anything that they had certain legal rights. They come into our office seeking advice; they have not had any such trouble before and do not know what to do, and they inquire from us and we advise them. Now, Henrici got his injunction. Knab's attorney, who has never handled a matter of this kind before, applied for a similar injunction and got exactly what he applied for but found that it was not sufficient to stop the boycotting and the picketing. He later tried to have the injunction enlarged but did not get it, and I went in for Efting & Powers and applied for an injunction and got it. A little later they moved to dissolve it, and it was dissolved in this particular—by the way, in passing let me say that, so far as getting an injunction is concerned, in my experience of 10 years we are about always immediately put to the test of whether we are entitled to it. We may possibly get it without notice, but the courts are also keen to hear a motion to dissolve within a day or two; and when I got this injunction the court of its own motion wrote on the order that he would hear a motion to dissolve the injunction within 24 hours, showing his willingness to take the matter up and have it argued at the earliest possible moment.

Chairman WALSH. Do they grant ex parte restraining orders?

Mr. TAYLOR. Yes.

Chairman WALSH. They grant them on the face of petition in the first instance?

Mr. TAYLOR. And on the recommendation of the master in chancery; then within a few days we were in court on a motion to dissolve the injunction.

Chairman WALSH. In the first instance do you apply for the temporary restraining order and he refer it to a master in chancery?

Mr. TAYLOR. That depends on circumstances. As a general thing I give notice that I will apply for the injunction; but in a case like this, where this continual loss was going on and it was important to get immediate action, I applied for an injunction without notice.

Chairman WALSH. To a judge of the court?

Mr. TAYLOR. Yes.

Chairman WALSH. And did he refer it to a master in chancery before he granted the restraining order?

Mr. TAYLOR. Yes.

Chairman WALSH. Was either side notified?

Mr. TAYLOR. No; the master in chancery took it home over Sunday.

Mr. THOMPSON. What you say of injunctions here is true of all kinds of injunctions?

Mr. TAYLOR. Yes.

Mr. THOMPSON. And wherever an ex parte injunction is issued without notice it is understood that the other side shall have the right of way over all other court business to come in and have a hearing on the injunction?

Mr. TAYLOR. That is true. An injunction is never in force more than a few days without a motion to dissolve being heard if the other side wants to make an argument.

Chairman WALSH. In this case the defendants' first appearance was on motion to dissolve the restraining order?

Mr. TAYLOR. No, sir.

Chairman WALSH. What was the first appearance in court of the defendants?

Mr. TAYLOR. The judge, when he was satisfied of the bill, required me to give notice, and notice was given, and they came in, and the court gave them this option: He says, "I have read this bill and I think it presents a case for the——"

Chairman WALSH. Had there been any action taken by the court with reference to issuing a restraining order before this moment you are speaking of now?

Mr. TAYLOR. No, sir.

Chairman WALSH. That is all I wanted.

Mr. TAYLOR. He required us to give notice, and they came in, and he said to the other side, "I will either grant the injunction and allow you to come in within 24 hours on a motion to dissolve and I will hear you on it, or I will not issue the injunction and you stop your picketing and boycotting until this court can pass on it, one or the other," and they chose to let the injunction issue.

Now, proceeding with my story, and I will draw to a close pretty briefly here.

Chairman WALSH. Go ahead.

Mr. TAYLOR. On the motion to dissolve the injunction it was argued at length, at least on my part, and while the court dissolved it so far as it referred to picketing our name was concerned, he left a perfectly good injunction against boycotting and against this scheme of exhibiting matters in front of these restaurants, as the injunction read, for the purpose or with the effect of injuring the patronage. These pickets did not cease picketing and boycotting; they did not even pause or hesitate; they continued it. We went in promptly on a motion for a writ to have them cited for contempt, stating we did not do it in a vindictive spirit at all, but simply for the purpose of having it stopped. It was further argued, and after reading of affidavits the court took the position he would not consider the causes underlying this trouble or the injury which was resulting to the complainants, but would test this thing solely by the question of violence or intimidation, and if their acts did not involve violence or intimidation he would not interfere, and with a perfectly good injunction in terms we, for all purposes, are out of court and get no relief. Now, these gentlemen say——

Chairman WALSH. Is your case still pending?

Mr. TAYLOR. Still pending.

Chairman WALSH. Will it come up for hearing on permanent injunction later?

Mr. TAYLOR. How soon we can get to the hearing I don't know. We are now in court vacation. Whether we can get to the hearing on the merits at all in vacation is very doubtful, and if we can't, then not until next fall; and if the court should stand by its decision, then we would have to go to the appellate court on the chance of reversing it, which would perhaps take a year or more and, of course, in the meantime there is no protection there. Now, these gentlemen feel that they have got real rights. They may be wrong, but that is their opinion. That is my opinion. It is my opinion that these waitresses have no right to walk up and down the street solely for the purpose of smashing the patronage, for the sole purpose of compelling them to enter into the closed-shop agreement. I take the position that if a union was so constituted, so directed, so managed that it would be a good thing for employers, the employers would seek to do business with the union because it would stand for stability, it would stand for the things which they need in their business; but here is a man who tried the thing for four months and it didn't work his way, and the others are judging by his experience and don't want to introduce it. They will not introduce it unless they are forced to do so. The unions on their part are doing all they can to force them to introduce it, as I have said, to the extent of smashing their business. These men are not in any picayune business; their places of business have cost from $5,000 to $10,000 to equip. It represents a large investment to them. It represents a business built up through many years of good, fair dealing, at least that is what they claim, and they come to this question of where is their relief. Now, assuming for the purpose of the argument that the unions are not always right, that they may sometimes be wrong, that there is a case sometimes for some tribunal to come in and investigate the matter, hear it upon its merits, and see that justice is done, where can we get it? That has been my experience during the time that I have been counsel for this association, that there is not a real adequate remedy.

On the other hand, I find a great powerful organization daily becoming more powerful—that is, the labor organization. It has a power to enforce not its requests but its demands. A single employer can't stand against it. Generally a few employers can't stand against it. It is a serious question if all the employers in the same line of industry in a city can stand against it. It is a question of standing the gaff, or standing the loss not only of profits, but standing the deficit in the conduct of the business perhaps for weeks or months. I say, assuming for the purpose of the argument, that the employer happens to be right, where is his remedy against that powerful organization? I want to call your attention to the fact that these people, forming that sort of labor organization, are irresponsible financially, they can move about the city, be lost to sight; move to another city, be lost to sight. You talk about damage suits, you can't get a damage suit to a hearing for possibly one or two years. You get a judgment; it is worth nothing; it is not any remedy. On the other hand, the loss is continuing during all of that time. Now, I find that when banks, as

responsible institutions, seek to do business in a community, they are required to give some token of their responsibility and satisfy the State auditor; that is right, I believe. They have to show their funds; their funds are under State control. The same thing is true of insurance companies; but here, we will say for the purpose of the same argument, is a powerful organization using its funds for the purpose of smashing another man's business, we will say, unjustly, and those funds are not subject to any control. You can't in this State sue at law a labor union, because there is no statute which renders a labor union liable in a suit against it. You have got to sue its members as partners; you can't get anywhere on that. You can't get their funds into the court's control, the funds which are being used against you all of this time. Now, that is the sort of thing, Mr. Thompson, we, in the vernacular, are up against all the time in this city.

Mr. THOMPSON. I am rather sorry your case, Mr. Taylor, was a recent matter. Of course, it may necessitate our going into it, which we did not intend to do at this hearing, but my question to you was what view you had, from your 10 years' experience as counsel of the Employers' Association, with reference to labor unions, and you said you would give a case which would illustrate your opinion. I will ask you if the waitresses' case, which you have testified about, represents, in your opinion, a typical union proposition?

Mr. TAYLOR. It is typical in a sense that most of our troubles are due to the closed-shop proposition and do not involve wages and hours. You ask for my opinion further on this thing. If it is of any value, it is this: That the first thing to do, as it seems to me, is to make labor unions responsible, and that has got to be the first thing to be done. Then you have got some measure of responsibility, some way of controlling it, controlling their funds, having their associations, I don't care whether of employers, employees, or laboring men, ipso facto corporations considered as corporations, but under laws which give some tribunal the control over those affairs. You take this case—harking back a minute to the waitresses; what does the public know about it? The public does not investigate this matter and form its own opinion and act according to its convictions; not at all. We have demonstrated that clearly. They simply avoid those restaurants, at least a considerable part of it does, because there is trouble there. It is easy to go to some other restaurant across the street or in the next block. Then you should have a tribunal which should look into the merits of these controversies, if you please, and make a finding by which the public can be guided; the public would be guided if it had confidence in the tribunal. The tribunal ought to have such real power as to enforce justice in the case.

That brings up another consideration. Your tribunal as constituted these days in our States has not real independence, in my judgment and in the judgment of those who are familiar with these matters. A judge is elected for six years. It may be we get into his court and he is up for reelection the next year. It may be he is up for reelection in two years. But be that as it may, we are satisfied that the judges fear to antagonize a large powerful class represented by labor unions and hedging so to speak, and we do not get relief. Now, you should have a tribunal, I think, which is appointed and under such circumstances as to insure its real independence. They are like the United States judges; they ought to be appointed for life, depending, of course, upon good behavior in office and all that, or some other thing like that, to insure their real independence.

Another thing, it ought not to be a tribunal composed of a laborer on one side, an employer on the other side, and a so-called member of the public for the third and deciding factor. That, so far as I have seen, in my observation, does not work out. It is a so-called species of arbitration which does not work.

Mr. THOMPSON. Referring to your question of financial responsibility of the unions, on the part of the unions, you spoke about corporations. Corporations generally are associations of men with capital for the purpose of limiting their financial responsibility; is that not true?

Mr. TAYLOR. Yes.

Mr. THOMPSON. Legally?

Mr. TAYLOR. Yes.

Mr. THOMPSON. In the new union you would want them incorporated for the purpose of extending their financial responsibility?

Mr. TAYLOR. I should say so.

Mr. THOMPSON. Now, to what extent and in what degree would you extend the financial responsibility of the unions by means of corporations, whereas the men of capital use corporations to limit their financial responsibility?

Mr. TAYLOR. I think if we could make the start, Mr. Thompson, it would be a matter of evolution much the same as the Interstate Commerce Commission, as I understand it, who have built up its practice and its procedure and its power. I think if we could start along right lines with the idea of control of the funds of all associations and with an independent tribunal it would, like our municipal court could, make a recommendation; give them power they have not got, or, having power, they do things—they can not enforce this control.

Mr. THOMPSON. Do you have an idea of having the common-law rules of damage, etc., applied to this responsibility?

Mr. TAYLOR. My personal idea, and, of course, all of this, Mr. Thompson, must be understood as my own personal idea and not any——

Mr. THOMPSON. Yes; I understand.

Mr. TAYLOR. Principles promulgated by our association at all. My own idea would be that the commission ought to have power, not in accordance with power which courts usually have, but a power to go into the merits of the dispute and adjust in accordance with justice, subject, only, to some reasonable control by appeal. I am not in favor of anything where there is no appeal whatever.

Mr. THOMPSON. Well, generally with reference to ordinary corporations, stockholders as such have no responsibility financially; is that not true?

Mr. TAYLOR. Except in banks, that is true.

Mr. THOMPSON. They simply stand the chance of the loss of the investment such as they have in the corporation?

Mr. TAYLOR. That is true.

Mr. THOMPSON. And people who deal with corporations are advised of that limited liability, are they not?

Mr. TAYLOR. Yes.

Mr. THOMPSON. In corporations, of course, stockholders have no authority to act as such?

Mr. TAYLOR. Yes.

Mr. THOMPSON. In your opinion is the union a democratic institution, I mean theoretically?

Mr. TAYLOR. Under practice, no.

Mr. THOMPSON. I mean theoretically?

Mr. TAYLOR. I regard it as un-American and unpatriotic.

Mr. THOMPSON. We will get to that later. At the present time, theoretically at least, they are democratic, are they not?

Mr. TAYLOR. Well, I am loath to admit it, because I have seen so much of the other.

Mr. THOMPSON. In other words, you do not pay much attention to the theory of labor?

Mr. TAYLOR. I can not let theory blind me to practice, Mr. Thompson.

Mr. THOMPSON. Well, taking your responsibility that would attach to a union, and assuming a union has 50,000 members scattered throughout the United States; that a contract was made by a local branch of an organization with some manufacturer; that 50 of these men should go out on a strike, we will say, violating this local contract which you assess your damages on. Do you think that the whole organization should stand a financial loss, irrespective of whether they concurred in that action or not? Assuming the international organization would refuse to sanction the strike and would order the men back to work and the men should not go. How would you assess your financial responsibility in that case?

Mr. TAYLOR. I should say, assuming that in reality the union is not back of it and discountenances it, that I would not favor that; but in practice I have rarely, if ever, found any such condition.

My experience, Mr. Thompson, leads me to believe absolutely that by the control of funds of an association, and, as I say, I do not care whether it is of employers or employees, you have got control of the association itself, and you can determine, or ought to be able to determine, whether or not those funds are being used.

Mr. THOMPSON. Then it would require, to carry out this policy, that rules should be laid down and in what respect the various labor organizations should conduct their business as to whether in case a local union went out on a strike that should fix their financial responsibility, and in order to fix the responsibility of that character the strike should have the sanction of the international organization?

Mr. TAYLOR. I suppose there would have to be some general principles.

Mr. THOMPSON. Well, as a lawyer how do you conceive, under our present constitution, you could make such refined laws dealing with the running of organizations and running of labor organizations, separating them from other fraternal organizations such as Masons and the various churches in our land and the Knights of Pythias, and so on?

Mr. TAYLOR. Well, our Constitution is interpreted differently as time passes. The time was when the right of contract, the freedom of contract, was always upheld, as you know. Now, that has given way to the general proposition of what is for the common welfare, and so on. And it is anybody's last guess in the court of last resort as to what is something for the common welfare and what is not. And that points back that the Constitution is changed—the interpretation of it, at least, changes, and conditions have to be met. I am not so sure that under our Constitution there would be any difficulty in having a tribunal—I do not like that word "commission," as applied to these things—but a real tribunal, exercising such power as is necessary to determine wherein the justice lies, enforce justice. Now, on broad lines, I think a tribunal could be constituted in each State, and a Federal tribunal to cover the Federal matter, which would have those broad powers and would find it within their power to enforce it.

Mr. THOMPSON. Then you believe in the establishment of an industrial court, perhaps?

Mr. TAYLOR. I do.

Mr. THOMPSON. If that could be done.

Mr. TAYLOR. I think it has got to come. I do not see any other way out of it. It must have the control; it must have the confidence of the employers and the people generally.

Mr. THOMPSON. Would you have that court carry out the common law as it has come down to us in industrial matters? Would you have it make new laws to meet our industrial conditions?

Mr. TAYLOR. I would be satisfied to have the courts start in and pass upon questions like, for instance, this closed-shop feature which I have cited to-day, as an instance. Let them go to a supreme court for its O. K. or reversal.

Mr. THOMPSON. Well, would you have this supreme court in determining that question, apply the old law or a newer industrial law to be built up?

Mr. TAYLOR. That is a matter which would have to rest with the supreme court to determine, what the law is. It is continually deciding.

Mr. THOMPSON. No. But would you have established some basis by which anybody determining questions of that character should have the right, the authority, to develop a new law to apply to our newer conditions, or would you have, on the other hand, if you did not want to do that, you say the question must be decided according to the law as it now exists.

Mr. TAYLOR. I hesitate to say, Mr. Thompson, in my opinion, that we ought to take the common law just as it is and apply it, although that is, of course, interpreted from time to time. I think it is a question of growth. You take, for instance, this closed-shop proposition. As you are aware, it has been passed upon by, I think, some five States—Massachusetts Supreme Court, New York Supreme Court, the Connecticut Supreme Court, and our supreme court—have held that the closed-shop proposition, when it is intended to cover an entire community, is a monopoly, and the attempt to enforce it is an attempt to create a monopoly, and that it is against public policy. There is an interpretation, a building up of the law.

Mr. THOMPSON. Is it your interpretation in building up the law in accordance with the old common law that has existed for centuries past?

Mr. TAYLOR. I think it is.

Mr. THOMPSON. Now, you then think, your idea of such a court would be that it should take the decisions of the courts of these five States you have named, and use those as a standard, we will say, in that closed-shop proposition?

Mr. TAYLOR. Yes; until some good reason to the contrary appears, or until some statute, possibly, is passed which will obviate it.

Mr. THOMPSON. I will put the question to you in another form, another question, a little broader. Do you believe that the law, as it has come down to us and as we have it to-day from the old industrial conditions of the past, is competent to meet the newer conditions, the newer situation?

Mr. TAYLOR. Oh, no. I think that statutory enactments are necessary from time to time. We have a very interesting case here in Illinois. In 1845 our statute on extortion was passed and enacted. At that time they knew nothing about a so-called labor-union extortion. Now, in the year 1913, so I am in-

formed by the plate-glass insurance companies, from $25,000 to $30,000 worth of plate glass was broken in this city by representatives of labor unions. And it is claimed that the glazers' and the painters' and the decorators', and possibly one or two others, the electricians', unions are involved in that matter.

The act of 1845 upon extortion does not cover that situation at all; we ought to have a new act; the changing conditions require a new act.

Mr. THOMPSON. Let me put it to you another way: What do you think of the fact that perhaps under the newer industrial conditions the worker may have a claim, in equity at least, to a right to work in a certain factory, whereas under the old common law, if strictly interpreted, he has no such right.

Mr. TAYLOR. Generally speaking, I would say, from my interviews and dealings with employees, I think they would all be perfectly willing to have a matter like that, or any other matter submitted to some tribunal such as I suggested in which they felt they could have confidence and felt that the tribunal was really trying to enforce justice and let that pass upon that, and if that is to be the holding and in effect the law of the land, they will abide by it and have to.

Mr. THOMPSON. Have you any other views with reference to labor unions which you can give the commission to-day?

Mr. TAYLOR. I am, of course, familiar with picketing and violence and those questions, but I judge that nothing new can be brought before the commission on that.

Chairman WALSH. Briefly give your experience with violence and picketing—anything that you think is an abuse.

Mr. TAYLOR. I have talked with hundreds of workmen in this city who have been assaulted or threatened; I have had them come into my office pretty badly beaten up, and I know their views as to the picketing and how it comes about, and how violence results or how it has resulted in past years. I know what they think about picketing, and it is idle to tell those men who are subjected to that sort of thing that because in the picketing out in front of the plant or within a short distance from it there is no violence or intimidation that, therefore, that picketing is peaceful. I have known of cases in this city of strikes where picketing around the plant might be considered peaceful because there was no violence right in that locality, but men were followed to their homes and a week or two after being followed were beaten up when their homes were perhaps 5 miles from the plant.

Those men put two and two together and make four out of it, and to their minds that resulted absolutely from the spying—peaceful spying, if you please—around the plant, by which they get their addresses, and the men are beaten up miles from the plant. You can not tell those men that that picketing is peaceful, and it is in that view that the courts have held that picketing is necessarily intimidating.

Another thing, you can not get those men to go to and from the factory while there is picketing, even so-called peaceful picketing; you must send guards with them or they won't work, thus showing you how they fear the pickets; you have got to guard those men wherever there is picketing.

Chairman WALSH. Have you got records of the alleged assaults that have been made in industrial disputes in Chicago in the last few years?

Mr. TAYLOR. Only in this way; it would entail a tremendous amount of work to go over all my records and pick it out; I gave that up years ago.

Chairman WALSH. There is no record in the city of Chicago, as I understand it, except what might appear in the courts?

Mr. TAYLOR. I expect that you could get some sort of record.

Chairman WALSH. Will you get up the best and most authenticated record you can and give it to our investigators who will call on you?

Mr. TAYLOR. I will do the best I can, but I would have to go through all of my papers.

Chairman WALSH. If you were attempting to get it for any purpose, where would you go?

Mr. TAYLOR. I keep a record from day to day of practically all I do; I would have to take it from that.

Chairman WALSH. Our investigators could gather information from that, could they not, which would be valuable in getting at the extent of such a practice?

Mr. TAYLOR. It would give that sort of thing.

Mr. THOMPSON. Is not the corporation liable for any damages wrongfully inflicted?

Mr. TAYLOR. Yes.

Mr. THOMPSON. Do you know of any limitation of the liability of the corporation in that respect?

Chairman WALSH. That is, an ordinary corporation.

Mr. TAYLOR. No; none occurs to me at this moment.

Mr. THOMPSON. Can you collect from any corporation more than it is capitalized for or the property it actually has, no matter what it is capitalized for?

Mr. TAYLOR. No.

Mr. THOMPSON. If unions were legally liable, would there be any objection to limiting the liability of the union members?

Mr. TAYLOR. I do not see, offhand, any objection to that; it is a question, in my mind, principally of controlling the union funds. I think it is traceable to that.

Mr. THOMPSON. Would you put that on the same basis as the corporations?

Mr. TAYLOR. Yes.

Chairman WALSH. Is that all, Mr. Thompson?

Mr. THOMPSON. That is all at present.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. How many members did I understand there were in your association?

Mr. TAYLOR. I have a memorandum, Mr. O'Connell, of the names of the executive committee of our association which I can give to you—the names of the officers and all, but I do not know the members of our association or how many there are. That is not a matter within my knowledge.

Commissioner O'CONNELL. Do you know the number of associations of employers that are affiliated with you?

Mr. TAYLOR. I don't even know the number.

Commissioner O'CONNELL. Have you any of them in mind that are affiliated with you that you come in touch with?

Mr. TAYLOR. Right offhand, the Chicago Brass Manufacturers' Association.

Commissioner O'CONNELL. The restaurant owners—have they an association?

Mr. TAYLOR. The restaurant owners, I think, have very recently come into our association and affiliated with us.

Commissioner O'CONNELL. They are members of your association as an organization of restaurant owners or employers?

Mr. TAYLOR. I think they are now. I think they came in very, very recently.

Commissioner O'CONNELL. Have you any idea of the number of restaurant owners that are members of the Restaurant Owners' Association?

Mr. TAYLOR. No, sir; I haven't. Mr. Wells Cook is secretary of it.

Commissioner O'CONNELL. Have you any idea as to the number of restaurants in Chicago?

Mr. TAYLOR. No, sir.

Commissioner O'CONNELL. What are the hours of labor of the restaurant employees?

Mr. TAYLOR. I don't know, generally speaking, except in these instances which I have cited here where I know they are not to exceed the union hours. By the way, I have a copy of their agreement, where it specifies the hours, if you would care to have it—have it made a matter of record—showing the closed-shop agreement and the scale of wages.

Commissioner O'CONNELL. I would be glad to have you file it.

(Taylor Exhibit No. 1, "Agreement between the Hotel and Restaurant Employees' International Alliance," etc., was submitted in printed form.)

Commissioner O'CONNELL. What were the hours of labor in these restaurants that are now having the strike, prior to the strike?

Mr. TAYLOR. All I can say is that they do not exceed the union hours set forth in the agreement.

Commissioner O'CONNELL. Well, don't you know whether they are 8 or 10 or 15 hours?

Mr. TAYLOR. I have before me the agreement here, which, speaking of waitresses, says, steady waitresses, six days, 60 hours, $8 a week. Lunch and summer waitresses, seven days, 42 hours or less, $6.50, and so on. A list of them, giving the hours. Our hours are not to exceed those, and in many instances, I am informed, are less.

Commissioner O'CONNELL. Now, the Knab restaurant, which you speak of—that is the one that is having the strike?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. Were the waitresses having one day of rest in seven prior to the strike?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. How was that arranged that they got that day? What day was it of the week?

Mr. TAYLOR. I dont' know what the day was, how they arranged it. My understanding is that they have a shift of employees, which might be called an extra shift, so that the regular employees get their time off each day. I understand that the Henrici restaurant, that there are girls there—waitresses—who work some part of the seven days in the week, but it is not true at the Knab restaurant or Efting & Powers restaurants.

Commissioner O'CONNELL. What were the wages at the restaurant? What were the earnings per week at the Knab restaurants?

Mr. TAYLOR. I am unable to tell you, other than to say they are not less than the union scale, and I am informed in many instances they are more.

Commissioner O'CONNELL. You say "less" and "more." What is the high and the low? Don't you know what the wages were there at all?

Mr. TAYLOR. That has not come under my knowledge.

Commissioner O'CONNELL. You don't know whether it is six or seven or eight or ten dollars a week, more or less?

Mr. TAYLOR. No, sir; I can't tell you. I only know those questions are not in issue in this case of this strike—the question of wages or hours. In other words, if that contract was signed up to-day by Knab or Powers or Efting, it would make absolutely no difference in the working conditions, the hours, or wages in any of those three restaurants. It would simply be a question of the closed shop.

Commissioner O'CONNELL. There is a system prevailing in restaurants where, in cities like Chicago, during the lunch hour there are extra help employed for two or three hours in midday?

Mr. TAYLOR. I assume there is. I understand there is; but you are asking me about details of which I have no knowledge. I am not in the restaurant business.

Commissioner O'CONNELL. The reason I am asking you is in the explanation of the strike as a cited case you took a position that would be rather positive as to the right or wrong of it. Is your association now giving its assistance to the Knab restaurant, furnishing waitresses or by other means attempting to assist them to defeat the strike, as it were?

Mr. TAYLOR. No; we don't furnish any waitresses. They get their own waitresses. They have had the benefit of whatever advice I could give them, or assistance.

Commissioner O'CONNELL. In the other associations or organizations that are affiliated with your association, if they had strikes with their employees, would they come to your association for services in those cases, and would you furnish them in that direction to the extent, if necessary, of furnishing people for employment?

Mr. TAYLOR. No, sir. Years ago, Mr. O'Connell, we had an employment bureau.

Commissioner O'CONNELL. That is what I was getting to.

Mr. TAYLOR. Yes, sir; but that was discontinued several years ago. There was not enough demand to keep it alive.

Commissioner O'CONNELL. That is what I was leading up to. I knew you had an employment bureau.

Mr. TAYLOR. We used to have one.

Commissioner O'CONNELL. That was discontinued?

Mr. TAYLOR. That was discontinued several years ago.

Commissioner O'CONNELL. Are any of the associations connected with your association running employment bureaus by themselves as associations?

Mr. TAYLOR. Yes; I know some of them secure help. I think the local branch of the metal trades does. I think the Chicago Brass does. I think the laundrymen do. I don't think the furniture people do—possibly they do; I don't know.

Commissioner O'CONNELL. Your association as such is not now operating an employment agency?

Mr. TAYLOR. No, sir; not at all.

Commissioner O'CONNELL. We could get this information from the representatives of the metal trades or other associations?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. I understood you, speaking of this board—the general board of adjustment we have had considerable information on or opinion

about—that its selection or its success would depend on its method of selection very largely?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. I understood also you were not favorable toward the election of judges by the people?

Mr. TAYLOR. No, sir; I am not.

Commissioner O'CONNELL. You believe they should be elected or selected or appointed for life?

Mr. TAYLOR. Yes, sir; I would rather have them elected by the people for life than to have them elected for 4 or 6 or 10 years.

Commissioner O'CONNELL. Then I would gather from your opinion as to your experience with the judges in Chicago—the fact that they had been elected for only a few years, the fear of not securing reelection, or of courting the displeasure of some element of their community—that their judgment is warped, at least?

Mr. TAYLOR. I am sorry to say I have seen many signs of timidity.

Commissioner O'CONNELL. Then, I take it, the impression expressed by some that the organizations of labor are not so favorable toward the courts—there is not so much difference between your opinion and the alleged opinion of labor?

Mr. TAYLOR. My experience, Mr. O'Connell, is that labor has in these matters far more the better of it in the courts. The courts, as nearly as I can judge, are anxious, almost overanxious, to remove any suspicion or feeling that the courts are in the least antagonistic to labor unions. I think they go out of their way in attempting to avoid any such misapprehension on the part of labor unions.

Commissioner O'CONNELL. Now, Mr. Taylor, I take it you have given considerable thought to the question of how the wageworkers ought to be organized. I take it you are not opposed to wageworkers organizing.

Mr. TAYLOR. Not at all.

Commissioner O'CONNELL. What would you consider to be a proper method and proper organization of labor?

Mr. TAYLOR. Of course, that is hard to say, but I do feel this, that a labor organization ought to be in a position to merit the confidence of the public and of employers, for that matter, and ought not to rely upon coercion. But what do we see? We see members of labor unions who do not dare to go to the meetings of their union and raise their voice in protest. We continually read in the newspapers of this city how some man has been assaulted and possibly kicked downstairs for presuming to say something in a labor-union meeting. I have talked with the members of labor unions regarding violence and graft—good, decent, respectable fellows—and I have said, "Why don't you have a house cleaning; why don't you go down there and why don't you take some of your people down there and open up these things and find out and be decent?" You simply get a smile from those fellows if they have one in their system. They don't dare do it. They are coerced into the union; they are coerced to do as the union directs, and we see the evidence of it every day. Some trouble is experienced somewhere in this city; a man goes around and perhaps whistles, blows a tin whistle, or snaps his fingers and the men go on a strike. Why? The chances are they don't know anything about it; the chances are they are opposed to it, because for the time being it takes their living from them or a considerable part of their living, but they have no choice or option but to obey. If those men were not coerced; if they were not in fear of violence that would not be the case.

I say that the labor unions as organized to-day, generally speaking, are thriving on coercion. It should not be so, it should be voluntary. This matter of the closed-shop proposition ought to be a voluntary proposition. The employer ought to be able to look at the contract and look over the union—the officers of the union—judging something of the past history, and say, I will be a lot better off doing business with your union; I want it in my business, and enter into the closed-shop agreement voluntarily, if he wishes to do so, and not to be compelled and coerced to do it and have the members coerced and compelled to go into the union and stay in the union and do as the union officers say. That is, in my judgment, un-American and wrong.

Commissioner O'CONNELL. What construction do you put on open shops? What is an open shop?

Mr. TAYLOR. An open shop, I take it, is a shop in which a man can be employed irrespective of his affiliation with any labor union.

Commissioner O'CONNELL. You think that is so?

Mr. TAYLOR. I think it is so. There may be instances possibly where it is not so, but that is as good a theory, at least, as some of those which we have here.

Commissioner O'CONNELL. You think that is so in the United States Steel Co.'s plant?

Mr. TAYLOR. I have no knowledge about the United States Steel Co.'s plant.

Commissioner O'CONNELL. Do you think that is so in any of the large industrial plants?

Mr. TAYLOR. I do know many, Mr. O'Connell, where the open shop has been in operation for years without any discrimination at all.

Commissioner O'CONNELL. And they are still open shops?

Mr. TAYLOR. They are still open shops.

Commissioner O'CONNELL. In reality or in name; which is it?

Mr. TAYLOR. How is that?

Commissioner O'CONNELL. In reality or in name, which is it?

Mr. TAYLOR. In reality, and I know I think what you have in your mind, and I am perfectly frank in answering you, if I am right, and that is this: That an employer who has been conducting an open-shop proposition gets into some trouble; he is up against a pretty hard proposition; perhaps he has learned a lesson or thinks he has learned a lesson; from that time on perhaps he maintains what he calls an open shop, and, as a matter of fact, it is closed to the union. That is what you have in mind, isn't it? In other words, he won't have a union member if he knows it?

Commissioner O'CONNELL. I believe that exists.

Mr. TAYLOR. That condition arises and exists.

Commissioner O'CONNELL. But on the other hand, what I am trying to get at is whether it is not true that there are a great many of the shops so-called open shops that are not open shops.

Mr. TAYLOR. I can only presume there are many shops which are so-called open shops and which, as a matter of fact, are closed to union men; I don't know, but I assume that is so.

Commissioner O'CONNELL. And many of these shops which are composed of all union men are called open shops?

Mr. TAYLOR. I venture to say that probably in shops in which there has been some trouble and the employer felt he could not do business with the labor unions under present conditions——

Commissioner O'CONNELL. For instance, the railroad industry.

Mr. TAYLOR. That is something I don't know anything about. They don't call on us.

Commissioner O'CONNELL. You don't know about that?

Mr. TAYLOR. Not a thing.

Commissioner O'CONNELL. I don't think there is a closed-shop agreement. I have made hundreds of them, but I do know that every one of these shops are union absolutely, and I suppose that applies in other industries and probably in shops of your members in Chicago.

Mr. TAYLOR. In my experience I have seen men who came out of college with a humanitarian altruistic idea and possibly thought the old man, their father, who had conducted the business before them, didn't know what he was doing and called the union officers in and made a closed shop agreement and said to them, "I want to work with you hand in hand," and attempt to carry that thing out, only in the course of time to be put in a position, whether by restriction of output, limitation of apprentices, or one thing and another of that sort, where he has had to fight for his business life to get out from under that sort of agreement.

Commissioner O'CONNELL. Now, in conclusion, I don't wish to take any more time. Has your association a provision for the expulsion or suspension or fining of members of your association for infraction of the rules and regulations of your organization?

Mr. TAYLOR. So far as I know it has not. There has never been any such arise, and it is a loose organization at best.

Commissioner O'CONNELL. If a member of your association was found guilty of bribing or attempting to bribe a representative of labor or a representative of the people at your Sate legislature or a representative of the people at Washington, would your association expel, suspend, or fine him for such act?

Mr. TAYLOR. There has never been any such case, and I have never heard of anything of that sort or any intimation. I assume that these gentlemen who

are at the head of our association, some of whom are national figures, like Mr. John B. Farwell, would be very much disinclined to be associated with that sort of a crook.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Mr. Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. In your testimony, Mr. Taylor, among other things, you said that the employer could not have much confidence in the courts as they are constituted to-day, because in labor disputes the tendency on the part of the court was to toady to labor. Did I catch it correctly, Mr. Taylor?

Mr. TAYLOR. I don't quite like to put it that way.

Commissioner WEINSTOCK. Just correct me, then, and put me straight.

Mr. TAYLOR. I wouldn't quite say "toady to labor," but I can't quite help but have the feeling that the tide has for years been running very strongly against employer, and that the employer is almost wholly on the defensive, and has been so for years. The labor unions have no trouble in getting their causes heard and getting everything they are entitled to, and I think considerably more, as in this case I cited here. On the other hand, I feel when we go into court on injunction matters or labor disputes we are not as welcome as we might be in other matters; that there is a disinclination, a very real disinclination, on the part of the court to get out from under in order to avoid passing on those cases and, as they sometimes say, "to pass the buck." I am talking a little bit plainly about it. I have known judges who are independent, strong men, and you can expect them to do justice. On the other hand, I know too many of the other sort who are certainly very timid.

Commissioner WEINSTOCK. May I put the matter in this way: I presume, in speaking as you do, you are voicing the sentiments of the members of your association?

Mr. TAYLOR. No, sir; I can't say I am. This is the sum total of my observation and experience, and they are my personal views only.

Commissioner WEINSTOCK. You do not know, then, whether you are expressing the consensus of opinion of the employers connected with your association?

Mr. TAYLOR. Those who have come under my observation I should say I am, and from some particular remarks that I can recall I know that many agree with me.

Commissioner WEINSTOCK. Many do agree with you?

Mr. TAYLOR. Yes, sir.

Commissioner WEINSTOCK. The spirit, then, is, if I interpret it correctly, that those employers with whom you have discussed the matter, whose opinion you know, is that they can not look for what you might call a square deal?

Mr. TAYLOR. That is correct.

Commissioner WEINSTOCK. In the courts when it comes to labor issues?

Mr. TAYLOR. That is true.

Commissioner WEINSTOCK. You were not here yesterday afternoon, were you?

Mr. TAYLOR. I was in and out a couple of times.

Commissioner WEINSTOCK. Let me read to you the viewpoint of the last representative on that side of the issue. Mr. Walker, president of the State federation, in his testimony, said this: "There is one difference between our courts and the courts of Great Britain that seems manifest to me. That, in my judgment, has a good deal to do with the situation. The one is in Great Britain if a case is taken into court, in 99 per cent of the cases at least, and I think it is agreed to by everybody everywhere who has studied that situation, that the evidence and the law will determine absolutely what the decision will be, and there is no escape. On the other hand, from the information I can gather and from what I have observed and what I have seen and gotten through personal experience, the courts in our country are not the automatic justice-dealing institutions with what they are over there."

Continuing, he said at another time: "You would not expect me to have confidence in a court that will countenance coal operators hiring armored trains or copper-mine owners importing men with records as murderers and clothing them with the authority of the law in violation of the law and allow those men to go out on the streets and assault and abuse and beat up people when no overt act had been committed on the other side."

If Mr. Walker represents the consensus of opinion of the workers and you would care to at least represent the consensus of opinions of employers, it would indicate, from the testimony of both sides, that neither have overly much confidence in the justice they can find, in connection with the labor disputes, in our

courts. Is it for that reason, Mr. Taylor, that you would advocate some independent tribunal that would establish a higher degree of confidence of both sides in the treatment of labor disputes?

Mr. TAYLOR. That particularly, and also because I believe that you can take any well-intentioned man who is in a position to act according to his judgment, and is independent to that extent, and while that man may be unfamiliar with these things in controversy at first he will soon become familiar, and his knowledge will be cumulative, as it ought to be, and by reason of his familiarity with all angles of the matter he soon ought to be in a position to render valuable service and carry out justice.

Commissioner WEINSTOCK. You threw out a suggestion along this line that evidently is not crystallized in your mind. Let me therefore invite your criticism on the system in Australia. Under the Australian system the prime minister appoints——

Mr. TAYLOR. I am familiar with that plan there.

Commissioner WEINSTOCK. This prime minister appoints an industrial judge from the supreme bench, and this man confines himself to labor issues; he sits with two assessors, one appointed from each side. Do you think a corresponding system would operate in this country?

Mr. TAYLOR. Not quite. I have no confidence in a tribunal in which there is a representative of the employers on one side and a representative of the employees on the other side and a third man who is the deciding factor.

Commissioner WEINSTOCK. For your information let me explain that these assessors have no voice; they simply sit there to guide and aid by suggestions or furnish information, and the power is vested solely in the judge himself.

Mr. TAYLOR. Yes; if that judge is able to pass upon the matters. If the system is such that he can hear the matters in reasonable time and dispose of them, I think it is along the right line. I want to say, however, that two or three years ago we had correspondence with a large number of employers in Australia, New Zealand, and Tasmania upon this subject, and their chief complaint was that the labor-union end of it was not responsible, and while the decree of the courts could be enforced against the employer, because the employer had property or must necessarily proceed with business, it could not be enforced against the union.

Commissioner WEINSTOCK. You are misinformed. I have made an exhaustive investigation into this, and I know that the judgments have been enforced against the workers, their wages have been libeled, and they have been compelled to pay the penalties or go to prison.

Mr. TAYLOR. This is pointed out in some of the correspondence, as I recall it, that where it was held that their strike or proposed strike (they must submit it there) was for some reason or other unjust and would not be countenanced, that nevertheless they quit work, and many of them shifted about there in large cities and went from one district to another, and as a matter of fact they did strike and disrupt their employers' business, although it was not a strike in name.

Commissioner WEINSTOCK. The records show that the judgments are enforced.

Mr. TAYLOR. I am glad of that.

Commissioner WEINSTOCK. Just one more question, Mr. Taylor: In answer to one of Mr. Thompson's questions, you explained that your association did not have any employment bureau in connection with it.

Mr. TAYLOR. Not now.

Commissioner WEINSTOCK. You also made the statement that your association furnished guards in labor troubles.

Mr. TAYLOR. Yes, sir.

Commissioner WEINSTOCK. Have you read Robert Hunter's work on labor troubles?

Mr. TAYLOR. No.

Commissioner WEINSTOCK. He holds employers responsible for violence in labor troubles on the ground that they employ detectives and gunmen, and these detectives go into the labor unions as spotters and incite violence, and compels the employer to increase his force of guards, and that increases business for the detective agencies, and that if the employers would cease to employ guards it would wipe out violence in labor troubles; what is your view as to that?

Mr. TAYLOR. He certainly greatly overstates or overexaggerates. Our system is to have the addresses of a number of guards who are available when necessity arises. We send one guard or two guards, or possibly three or four, depending on the number of employees and their routes in going to and from their homes. We send them to the plant, and one guard probably takes a half dozen men under his charge and escorts them from the plant to the street car or the elevated, and some of them to their homes. I can recall only one case in the last 10 years of my association with this employers' association where it is claimed or charged that a guard had been guilty of any violence or wrongdoing. My whole experience has been that the guards do not foment any trouble; they are not allowed to do anything of the sort; there has never been anything of that sort. Now, it might be that in mining districts there has been something of that kind; I don't know, but I am speaking of the city of Chicago. You will find that in the strikes here where guards have been sent out, one, two, or three guards as the case may be, that the workmen would not go to and from the plant without the guards, and that the guards do not make trouble, and there is no trouble so far as they are concerned. There is only one case of trouble being made by a guard that I remember.

Commissioner WEINSTOCK. So far as your own observation and experience go, then, within your own association, you do not agree with Mr. Hunter in his statement?

Mr. TAYLOR. Absolutely not.

Chairman WALSH. Do you wish to ask a question, Mr. Delano?

Commissioner DELANO. Yes; I just want to ask one or two questions. You stated that you thought that some form of tribunal would have to be created in the States and as to the Federal Government to deal with these matters between labor and capital. You told us how such a tribunal ought not to be formed, but you did not tell us how it should be formed or what should be the number constituting the court or anything about it. Give us your views on that.

Mr. TAYLOR. I said that such a tribunal should be composed of lawyers for one thing. I suppose that—I see it creates a smile—my reason for that is this: The average man knows nothing about legal procedure. And you can travel far afield in trying to arrive at a given point. The average business man, put him on a so-called arbitration committee, does not understand how to handle those matters. Furthermore, the lawyers, by reason of their legal experience, what ought to be perhaps their judicial temperament, they ought also to be independent. They have not any axes to grind. They are neither employees nor employers. It seems to me that they, above any other class, are the ones from whom the members should be drawn and that give the best service. That for one thing. Now, I would be, as I say, content to have three men or four, as the case might be, elected, or appointed, to take chances with any of them as long as they have a tenure of office which makes them independent. But when you have got a man in a position and his livelihood depends upon it, and it depends upon to some extent, or he thinks it depends upon his not antagonizing a large, powerful class, he is not independent.

Commissioner DELANO. That is all.

Chairman WALSH. Did you want to ask some questions, Mr. Garretson?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson has some questions he wants to ask.

Commissioner GARRETSON. The last answer suggests one: Would not the existence of a tribunal of this character depend on common confidence?

Mr. TAYLOR. I should say so.

Commissioner GARRETSON. Do you believe that to make that up of lawyers would contribute to confidence?

Mr. TAYLOR. Some of the finest men I know, Mr. Garretson, are lawyers.

Commissioner GARRETSON. So I would agree with you, but I know some others.

Mr. TAYLOR. Yes. But let us give the finest men.

Commissioner GARRETSON. Are you aware that there are labor organizations that would not use a lawyer as an arbitrator?

Mr. TAYLOR. Yes; I suppose that is true.

Commissioner GARRETSON. Although they have a high regard for individual lawyers.

Mr. TAYLOR. I am also aware that they have called in lawyers as arbitrators, and judges also.

Commissioner GARRETSON. Oh, surely they have.

Mr. TAYLOR. For instance, they searched the State here in connection with the city railways dispute two or three years ago, and finally they selected Judge Carter, of the supreme court.

Commissioner GARRETSON. I have been guilty of it myself, but I am speaking of the general attitude.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. You say that you have no detailed knowledge of the hours of service, the rates of pay, the conditions that obtain with these waitresses?

Mr. TAYLOR. No; I have not.

Commissioner GARRETSON. You represent an organization of people that probably employ people in twenty or more lines.

Mr. TAYLOR. Many more than that.

Commissioner GARRETSON. Yes; I judged more than that, but I put it at that to show the diversity. What of those lines have you intimate knowledge of the wages, conditions, and hours of the employees?

Mr. TAYLOR. I can not answer as to those things.

Commissioner GARRETSON. You do not know any of them?

Mr. TAYLOR. It would only be a specific case; when a specific case arises in which I would inquire and find out about that.

Commissioner GARRETSON. That is, you have not that detailed knowledge of the conditions under which these men serve the employers that you represent, and if you know nothing of their wages or the hours that they serve, on what do you base the very decided opinions that you have expressed in regard to the justice or injustice of the claims of these men—secondhand information?

Mr. TAYLOR. No. I think in the specific case which I cited there is no question about that, Mr. Garretson, because that has been admitted.

Commissioner GARRETSON. What has been admitted?

Mr. TAYLOR. The statement which I made as to wages and hours, the question of wages and the question of hours were not involved. So far as my general opinions, if they have any value at all, are concerned, they are mostly based upon the proposition that we ought to have somewhere, some place and some tribunal to which we can go and feel that the justice of the thing will be determined upon the merits and the remedy applied.

Commissioner GARRETSON. Justice is a wide term. Some men believe justice is an opinion handed down in accord with what they desire. Do you partake of anything of that idea of justice?

Mr. TAYLOR. Most decidedly not, of course. We have got to take things as our experience shows. The main things are determined somehow or other. We have got our notions of justice and right. There must be a dividing line somewhere—there must be somebody to determine.

Commissioner GARRETSON. You made the statement a moment ago——

Mr. TAYLOR. Otherwise you will have it in persons' power, or combinations of power, to put it there.

Commissioner GARRETSON. You made the statement a moment ago in regard to Knab and his two associates.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. That they were not engaged in a picayune business, that they had some $5,000 or $8,000 invested.

Mr. TAYLOR. $5,000 to $18,000.

Commissioner GARRETSON. $5,000 to $18,000?

Mr. TAYLOR. In each place.

Commissioner GARRETSON. Is a man who has $5,000 to $18,000 invested entitled to more consideration before the law than a man who washes dishes for him?

Mr. TAYLOR. I should say not.

Commissioner GARRETSON. Well, one of the reasons why they ought to have had standing in court is because they are not in a picayune business; it would seem that that idea entered into it?

Mr. TAYLOR. No; I mean merely to convey the impression that it was a serious matter. That was all.

Commissioner GARRETSON. Oh, then it would not be a serious matter from the standpoint of the number of men that were in it, but from the number of dollars in it?

Mr. TAYLOR. No; I do not mean to be so understood, Mr. Garretson. I think it might be serious either way.

Commissioner GARRETSON. A human is worth as much, then, before the law as a dollar?

Mr. TAYLOR. I should say he is worth far more.

Commissioner GARRETSON. You spoke of the fact, in response to a question, that your association comprises national figures, and that therefore they would not desire to be associated with the criminal who would pay a bribe.

Mr. TAYLOR. I should not think that they would.

Commissioner GARRETSON. Is the fact that a man is a national figure a guaranty of his personal honor?

Mr. TAYLOR. Not necessarily.

Commissioner GARRETSON. I did not know. That is all, Mr. Taylor.

Chairman WALSH. Mr. Lennon would like to ask a question or two.

Commissioner LENNON. Mr. Taylor, do you believe that the well-being of society requires that industry should pay to its workers a living wage?

Mr. TAYLOR. Generally speaking, yes.

Commissioner LENNON. Well, do you believe that——

Mr. TAYLOR (interrupting). I think there are other things which enter into it; there are certain things which might possibly prove an exception, Mr. Lennon.

Commissioner LENNON. To that general question?

Mr. TAYLOR. Possibly.

Commissioner LENNON. That is to say, that there might be cases where an industry or social well-being might permit less than a living wage to be paid?

Mr. TAYLOR. May I explain what I have in mind? It is simply this. We have that subject under discussion now in this State in connection with the minimum-wage proposition.

Commissioner LENNON. I live here.

Mr. TAYLOR. Yes. The minimum-wage laws which were submitted to the legislature at its last session—and I presume they will be there again—did not take into consideration the worker's age, skill, education, previous experience, or other qualifications. Now, Mr. Lennon, a father is supposed to support a child in infancy. He supports a child, we will say, up to the time that the girl is 16 years old. During all of that time she has been in school, she gets out at the age of 16, she has no knowledge of business conditions, she has no knowledge which renders her particularly valuable to an employer, and, to say that that girl can immediately transfer from school, or even within a matter of a few months, and be useful to the employer, necessarily because of her living, I think is doubtful.

Commissioner LENNON. That is all. I want to ask a question that is usually asked witnesses. The law creating this commission says that our duties shall be to inquire into the underlying causes of industrial unrest and offer such recommendations as the judgment of the commission may warrant at the end of its investigation. Would you be willing to submit to the commission in writing any suggestions along that line that may come into your mind, at some future time?

Mr. TAYLOR. If the commission thinks and desires it I would be glad to.

Commissioner LENNON. We ask it of you.

Chairman WALSH. That is all, Mr. Taylor.

Mr. THOMPSON. There have been some questions handed me to read.

Chairman WALSH. Read them to the witness. I did not know you had them.

Mr. THOMPSON. Do you think there is any real bargaining, collective or otherwise, when there are not two voluntary contracting parties?

Chairman WALSH. There is no legal contract of that kind, is there?

Mr. TAYLOR. Any contract which was under duress, of course, ought not to be legal—is not legal.

Chairman WALSH. The answer is no to that, then?

Mr. TAYLOR. Yes.

Chairman WALSH. Read the next question.

Mr. THOMPSON. These questions are from Mr. Drew. Do unions in your city tie up work of employers by sympathetic strikes when the dispute is entirely among the unions themselves?

Mr. TAYLOR. Yes; very frequently.

Mr. THOMPSON. Do you consider that fair?

Mr. TAYLOR. No.

Mr. THOMPSON. Has personal violence, slugging, and even murder, resulted in this city from such wars among the unions?

Mr. TAYLOR. Yes.

Mr. THOMPSON. Is the whole interest of the employer against the fomenting of trouble by guards or otherwise?

Mr. TAYLOR. I didn't understand you.
Mr. THOMPSON. Is the whole interest of the employer against the fomenting of trouble by guards or otherwise?
Mr. TAYLOR. I think it is, absolutely.
Commissioner O'CONNELL. That is simply an opinion, is that all?
Mr. THOMPSON. That is all it calls for, of course.
Chairman WALSH. Any others?
Mr. THOMPSON. That is all.
Chairman WALSH. That is all. Call your next witness.
Mr. TAYLOR. Do you desire to have this agreement?
Chairman WALSH. Yes; you may hand it in.
(The paper so presented was marked "Exhibit No. 1, Witness Dudley Taylor, July 22, 1914."
The agreement referred to was submitted in printed form.)
Mr. THOMPSON. Is Mr. Fitzpatrick here?
Sergeant at Arms EAGAN. Not present.
Mr. THOMPSON. Mr. Chairman, Miss Maloney, while she is not down for to-day's hearing, would like to be heard.
Chairman WALSH. You may call her.
Mr. THOMPSON. I would like to call her now.
Chairman WALSH. All right.

TESTIMONY OF MISS ELIZABETH MALONEY.

Mr. THOMPSON. Give us your name.
Miss MALONEY. Elizabeth Maloney.
Mr. THOMPSON. Speak up strong, so we can all hear you. This is a noisy room.
Miss MALONEY. Elizabeth Maloney.
Mr. THOMPSON. What is your business address?
Miss MALONEY. 35 South Dearborn.
Mr. THOMPSON. What position do you occupy?
Miss MALONEY. I am the financial secretary and business agent of the waitresses' union.
Mr. THOMPSON. In Chicago?
Miss MALONEY. In Chicago.
Mr. THOMPSON. How long have you been that agent?
Miss MALONEY. About 10 years.
Mr. THOMPSON. About 10 years?
Miss MALONEY. Yes.
Mr. THOMPSON. Are you familiar with the conditions which exist between your organization and Knab's restaurants?
Miss MALONEY. Yes, sir.
Mr. THOMPSON. You have heard the testimony of Mr. Taylor?
Miss MALONEY. Yes.
Mr. THOMPSON. Will you briefly state anything that you have to say in that regard?
Miss MALONEY. Yes.
Mr. THOMPSON. Make it as brief as you can.
Miss MALONEY. Mr. Knab has been conducting a restaurant—general restaurant—in the city of Chicago for about 11 years, running an open shop until the 5th day of January of this year, when he signed a closed-shop agreement with our organization, which terminated on May 1. So the union conditions spoken of in Mr. Taylor's testimony have only been in operation in Knab's restaurant about four months. Prior to that time they worked seven days a week, and have worked 12 to 14 hours a day, until the 10-hour law went into operation. The law is what gave the girls protection, but not until the law was amended four years ago to include hotels and restaurants. They worked more than 10 hours a day up to that time. They have never had union conditions until the 1st day of January, and they concluded there on the 1st day of May, when our girls went on strike. He had a closed-shop agreement for about four months. The court records will show in the Henrici case that in the month of February of this year he applied for admission into the restaurant keepers' association, and his application was not accepted because he had a closed-shop contract with our organization. So on May 1 he decided he would not have a closed-shop contract with our organization. So the contract and the union conditions that pre-

vailed there have only been in operation that short time. The restaurant keepers' association do not allow their members to make contracts, closed-shop or otherwise, as individuals, with organizations. Hence, I suppose that that is one of the causes for Mr. Knab's refusal to renew our agreement. He is a member of the Food Exchange. I have here the by-laws, and would be very glad to read them. Do you want them read on the subject?

Mr. THOMPSON. If you can, hand them in to the commission.

Chairman WALSH. How long are they?

Miss MALONEY. These paragraphs are very short. If there is no objection, I will read them [reading]:

"SEC. 4. No person, firm, or corporation now having signed agreements with any labor organization shall be admitted to membership in this association, except on condition that such agreements shall be fully carried out in letter and in spirit, and such person, firm, or corporation so admitted shall not be entitled to any benefits accruing to the members of this association under agreements of said association and others which are inconsistent with the faithful performance of such individual agreements; and this limitation shall apply not only to agreements now in force between this association and the several labor organizations, but to any which shall be hereafter made during the life of the individual agreement now in force."

Then it goes on to say [reading]:

"It shall be the duty of the members of this association, when any demand is made upon him, her, or it, by any labor organization, to notify the secretary of this association. The secretary shall at once lay the same before the president, and if compliance with their demands, in their judgment, would be inconsistent with the principles and laws of this association or of good business, such members must refuse to negotiate any settlement and refer the party or parties making the same to this association.

"Any member who shall settle a strike or demand of any labor organization whatever affecting the general welfare of the members of this association shall be suspended and not reinstated until he shall have complied with the conditions which this association may impose."

Mr. THOMPSON. Does Mr. Taylor have any connection with the association, do you know?

Miss MALONEY. He is attorney for Mr. Knab in this controversy, and I suppose by reason of his being counsel for the employers' association. The girls went on a strike on the 1st of May for their closed-shop agreement. You will readily see that they only had their one day off in four months, and being anxious to hang on to that one day off in four months, and feeling that they could only maintain it by their closed-shop agreement, they went on strike when he refused to sign it. Before going on strike the members employed in the Knab houses held meetings, took a secret strike vote on it—no coercion by the officers whatever—and they voted to strike. Conferences were held prior to their coming out both by our organization and the other organizations there who had agreements, and with the Chicago Federation of Labor. But he refused to sign any agreement at all with us, and so we went on strike; and we have been on strike ever since.

Mr. THOMPSON. Are the girls now working in these restaurants members of your organization?

Miss MALONEY. No, sir.

Mr. THOMPSON. Then the girls that did work there and worked under this contract which lasted for four months left the restaurant?

Miss MALONEY. Yes.

Mr. THOMPSON. And you have a strike on there now, is that correct?

Miss MALONEY. Yes.

Mr. THOMPSON. And do you know now whether or not the restaurant is paying the union scale of wages and giving union hours?

Miss MALONEY. I do not know, but I imagine it would be a good policy for them to pay it, when they are having a fight it would not be a good policy to reduce wages now while it is going on.

Mr. THOMPSON. They are having the strike?

Miss MALONEY. The cooks and waitresses in those establishments. And the real connection that the Efting-Powers have with this strike is this: That those three concerns operate a bakeshop, and that bakeshop is owned by those three persons and I think two other stockholders. They supply all the bread and cakes for the entire system of 20 restaurants. Knab owns 8, Powers 6, and Efting 6. Union conditions did not prevail in either Powers or Efting houses,

and if they are operating on this six-day-a-week plan, they have done it since May 1, but prior to that time they did not do it; although Mr. Powers promised to sign our agreement, yet he did not, and entered into the combination to fight us. Therefore we are picketing his houses and the bakeshop because we feel that every dollar that is taken in in those places will be used to fight us and to prevent us from getting our agreement. They made the broad statement that they would wipe the waitresses' union off the boards, and they have been attempting to do that now since February 1, first in the Henrici strike and now in the Knab strike.

Mr. THOMPSON. Have you been acquainted with the litigation pending in reference to the Powers restuarant and the other ones?

Miss MALONEY. What do you mean?

Mr. THOMPSON. Bills for injunction that have been filed.

Miss MALONEY. Yes.

Mr. THOMPSON. Did you hear what Mr. Taylor said in regard to them?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. Have you anything to say or add to what he said?

Miss MALONEY. Well, I might say when they got the Knab injunction it was gotten without notice. They got just the injunction they sought for. But it did not prohibit peaceful picketing. So we continued to picket. They then went to Judge Baldwin with an amendment to try and have peaceful and silent picketing restrained. That motion was denied. We have been picketing there right along. Then Powers and Efting jointly got an injunction which prohibited picketing, which prohibited talking to any of the employees or the patrons, or from distributing any literature; it prohibiting us placing them on the unfair list, and it was a very sweeping injunction. It was not issued until they gave us notice. The notice in that instance was a very ridiculous thing. At half past 11 we were notified that they were going before Judge Baldwin and have an injuction. At 2 o'clock we went in there, and they were in there and had the injunction. However, the judge did say that he would listen to a motion to dissolve—24 hours' notice. So we immediately got ready to give notice for that. When the case came up before Judge Windes that portion of the injunction was dissolved. We are still picketing. I might add that there has not been any violence in this strike. The pickets do not talk to the patrons. They first wore a sign saying, "Help us win our strike." They now wear a sign which says, "With your assistance we will win our strike at Knab's." And the picketing has been so peaceful and so silent that it has not been enjoined. In a few instances, I want to relate, they have resorted to picketing themselves, and they place pickets on the street. I wish to say that at 52 Washington Street they placed colored pickets on the street, colored women, who wore signs like this: "Gee, I ain't mad at nobody and nobody ain't mad at Knab." Another one saying that they would travel up and down just as long as the pickets do. They have now withdrawn the colored pickets, and they have other nonunion girls picketing, who wear signs, "I am one of Knab's waitresses and I am satisfied." The signs were changed yesterday to read something about a nannie goat, and they carried nannie goats in their hands, and they would make them squeak under the noses of the girls. Of course we understand that was done to incite violence or coercion, and that an argument of any kind with our girls would be what was desired; but, being girls who have been in the courts and understand the position since February 5, they know what the intention was, and so far they have not been successful. We have no objection to them displaying by cabaret performances at all. In fact we think it is a good thing to do, so we haven't any objection.

Mr. THOMPSON. Has there been any interference of any kind with your pickets?

Miss MALONEY. Yes; I wish to say that this new performance, signs in the Knab windows, they are more or less of a ridiculous nature and attract crowds, and our girls are being arrested three or four times during each meal. I wish to say that we have been discriminated against. That when the policeman calls a wagon the nonunion pickets are tipped off, and they go inside the restaurant, and when the wagon comes they simply take the union pickets, who have not been responsible for the crowd, and who have done nothing but walk up and down. Yesterday there were 21 arrests, and the day before 16.

Mr. THOMPSON. Have any of those cases come to trial?

Miss MALONEY. There have only been two cases come to trial. Those were girls who were arrested on last Thursday evening, and they were found not guilty.

Commissioner O'CONNELL. Were any scab pickets arrested at all?

Commissioner LENNON. Were the negresses taken, arrested?

Miss MALONEY. No; negresses were not taken. They have been warned time and again to take out those ridiculous signs, because they were attracting the public, and they only put the signs up when the pickets are out. There was this same thing during the Henrici fight; we were treated very brutally by the police, and the same system is starting in again. In taking the girls into the wagon they always take them away in such a way as to have them treated very badly, and they have always gone with the officers. They are compelled to put up large bonds. We have got $400 in each instance that we are charged with loitering. In the Henrici case we have over 139 cases in court which never came to trial. Over $200,000 in bonds up. So they are undertaking to play the same game.

Mr. THOMPSON. Did the giving of these bonds cause any inconvenience to your organization or membership?

Miss MALONEY. It compelled us to get people on short notice—take people from their work—people who were willing to go our bonds, or else the girls have to stay in jail; and I wish to take the case of one girl who was arrested for walking up and down, she was taken over there at 25 minutes of 8, and the desk sergeant had her to stay there until after 10 o'clock, and she would have had to stay there all night if representatives of the cooks' organization had not come to her aid. They simply want to break the spirit of the girls, and even the police say that they will drive us off of the street.

These arrests are all unlawful, because the judges have decided on the character of the picketing and the character of the signs, and the girls are doing nothing more than they are legalized to do by the judges.

Mr. THOMPSON. What is your opinion as to the reason for the police acting the way they are acting?

Miss MALONEY. Mr. Knab has always been very good to the policemen. Last Christmas he gave every policeman a turkey free; almost every uniformed officer went there and got one. They eat there free, and have always eaten free there, and naturally they have a very kindly feeling for anyone who gives them free meals.

Mr. THOMPSON. Is there anything more, Miss Maloney, in regard to the strike Mr. Taylor has spoken of?

Miss MALONEY. I believe that we are justified in our strike. The closed shop is the only guaranty we have of maintaining the conditions we fought for and every improvement that has ever been made in our trade has been made through the closed-shop agreement. Before then the members of our organization were paid as low as $3 a week, seven days in the week and 10 hours a day; they furnished their own linen then, and now the employers do.

Mr. THOMPSON. I would like you to tell us the difference between the union and the nonunion shops in Chicago.

Commissioner O'CONNELL. Say in the Knab shop and the nonunion shop.

Miss MALONEY. Henrici pays $7 for seven days of 10 hours, but 10 years ago he paid three and one-half and four and five dollars a week, and when the union came into existence and put up a battle something similar to what they are doing now he then raised their wages to $7. Since that time he has made no change at all except the one which the law compelled him, and that was the limitation to a 10-hour day. The conditions have remained about the same. The girls in that house pay for their own linen; that is, they rent it for so much a day. They do all sorts of porter work, or did at the time of the controversy, and I do not know that the conditions have changed. They worked seven days and furnished their own laundry and paid for the laundering of it and paid a system of fines for every breakage. The system of fines is like this: That if a man orders a steak and is in a hurry and for some reason the orders get mixed and are delayed and the man leaves before eating the steak the girl has to pay for the steak, but she can not eat it.

Commissioner O'CONNELL. Is it resold?

Miss MALONEY. I believe it is; she does not get it. And that sort of fines they call discipline and it is enforced in those houses. Yet they stated when we were in court that they had a profitable business and that every month's receipts in the year showed at least 20 or 30 and in some cases 50 per cent more than for the year previous, showing that they were running a paying

business, yet they did not feel justified to give us this one day a week and pay $7 a week to the girls. They justified themselves by saying that they were very good to their employees and that they had given their girls a present at Christmas of $5, and I tried to demonstrate that they had given a girl $5 on account of salary and they still owed her $95 by reason of contributions that she had paid out of her weekly wages. They were running a profitable business, but they did not seem to think they should give a day off or give the girls a dollar more.

They made the excuse that the only way they would favor us was if a legislative act was enforced by which they were compelled to give one day off in seven. We answered that by saying that the employers' association and restaurant keepers' association, when that legislation was introduced at the legislature through Mr. Taylor, bitterly opposed the one day off; they opposed it in legislative form and in the organization form.

Mr. THOMPSON. Referring to the employers' association, or whatever you call it—the restaurant or food exchange—has the employer the liberty to belong or not belong?

Miss MALONEY. I don't understand.

Mr. THOMPSON. Has Mr. Knab or any other employer the right to belong to the employers' exchange or not as he pleases?

Miss MALONEY. Certainly.

Mr. THOMPSON. The only issue now is the closed shop, is it not?

Miss MALONEY. At the present time; yes.

Mr. THOMPSON. That arises out of the agreement you had?

Miss MALONEY. Yes; that arises out of the agreement. That agreement was in force for four months, and you understand it is not in force now, but the reason we wanted the closed shop was to maintain the agreement we had.

Mr. THOMPSON. Do you think you have the right to destroy a patronage solely to enforce the closed-shop agreement?

Miss MALONEY. I think the courts have clearly defined our right in that respect; they stated it all depended upon the intent; if you are doing it to better the condition of your fellow workmen you have a right to do it.

Mr. THOMPSON. Is there anything further that you want to say in the matter?

Miss MALONEY. I don't know of anything further.

Mr. THOMPSON. Your answer to this question is what, Miss Maloney? I will ask you to look at this paper [showing witness paper]; I will read the question:

"CHICAGO, *May 19, 1914.*

"Pursuant to your request of my position with respect to the waitresses' union, permit me to say that I will continue in the future as I have heretofore, namely, to give union waitresses the preference when in need of help and to pay the following wage scale:

"Steady girls, six days, 60 hours or less, $8 per week.

"Night girls, six days, 60 hours or less, $8 per week.

"Dogwatch girls, six days, 60 hours or less, $9 a week.

"Dinner girls, six days, 60 hours or less, $4 per week.

"Furnish linen and pay for laundry of same.

"I will instruct the managers of my restaurants, in the presence of a committee of three, to call on the waitresses' union when in need of help.

"The business agent of the waitresses' union shall have the privilege of organizing the waitresses in my establishments, the business to be timed when the help are not overly busy.

"The help that have gone out on strike shall be taken back as soon as possible."

Was that submitted by you to anybody with the request that he sign it?

Miss MALONEY. It was submitted to Mr. Becker, of the bakery drivers, and was submitted to the bakers.

Mr. THOMPSON. Was it with your approval?

Miss MALONEY. No; it was more as a solution; I could not approve it; I have no authority as business agent of our organization to approve anything, except the closed-shop agreement, without a vote of my organization. It was just submitted as a proposition to be submitted to them. Allow me to make a full explanation.

When we went out on strike the bakery drivers and bakers working for the Powers, Knab, and Efting companies went out on a sympathetic strike. They

were only out about 20 days. Their organization took the matter out of the hands of the business agent and put it in the hands of a committee, because they were not satisfied with the action of their business agent, because, while the controversy was on, he renewed the agreement with the Powers, Efting, and Knab people, and for that reason the organization took the matter out of his hands and put it in the hands of a committee. This committee felt they would like to return their men to work, because the employers were trying to get all the master bakers to repudiate that agreement, and that was the story they put up to them, and the bakers were anxious to return to work, and the bakers went to see Mr. Knab in conjunction with the bakery drivers. The bakery drivers had been out only two days.

The bakers went to see Mr. Knab, and I am sorry that Mr. Thompson has not submitted his proposition that he would call on us when in need of help. The second proposition to preferential—a preferential shop—but as our organization had an agreement with Mr. Knab we felt that we could not be sure of our position without a closed-shop agreement, because we had a closed-shop agreement for four months and we did not see why we should accept a preferential shop. They did get that agreement, and an hour after it was signed, when the business agent went over, he said, "I will not sign the cooks' agreement," and that agreement I signed was not a statement from my association, but simply for the bakers to allow them to go back to work. So the next day the bakers who had already gone back to work and the bakery drivers went to Mr. Knab to see what he was going to do about it, and he offered them preferential arrangement, which they declined to accept. We had a meeting that afternoon and by unanimous vote repudiated the preferential shop, having no faith in it and felt that we would have no protection under that agreement.

I and Miss Alexander went to Mr. Knab and explained the situation and that we felt we would not have any protection and the strike is still on, and for that reason we turned it down.

Mr. THOMPSON. Didn't you tell Mr. Knab that this preferential agreement was satisfactory to you and later tell him that your girls had considered it and would not accept it and wanted the closed shop or nothing?

Miss MALONEY. I never told Mr. Knab that that agreement was satisfactory to me. It was submitted to me first, but was submitted to Mr. Becker and the organization of bakers. I did not interview Mr. Knab until our organization had turned the proposition down.

Mr. THOMPSON. You have not had a closed-shop agreement with Efting or Powers. Are you willing to enter into a preferential agreement with Efting and Powers?

Miss MALONEY. As an official of an organization, I am not empowered to speak for the union, but it would have to be submitted to the union as to whether they would accept a preferential shop or not.

Mr. THOMPSON. Then, your whole picketing and boycotting now is to force a closed-shop agreement and you will not accept a preferential agreement?

Miss MALONEY. I think that question has been answered by the former answer, that it is up to a vote of my organization as to what they would do to a preferential shop at the two houses in question.

Mr. THOMPSON. Is there anything more you want to say on that subject?

Miss MALONEY. No.

Mr. THOMPSON. In your position as official of the union for 10 years you have had an opportunity and have studied the industrial problem, have you not?

Miss MALONEY. Somewhat; yes.

Mr. THOMPSON. And the unrest which is evidenced?

Miss MALONEY. Yes.

Mr. THOMPSON. What opinion have you with reference thereto as to the causes and the remedy that might be suggested within the scope of a commission like this?

Miss MALONEY. I think the causes of so much industrial unrest are the unsettled grievances—unlistened-to grievances and the utter ignorance of any grievances that exist. The reply is, "If you do not like this position, get another job." I think that has prevailed so much that when people get beyond the point of endurance that there is certainly a question of unrest that must be remedied. I think it is the unsettled grievances that cause it.

Mr. THOMPSON. How would you remedy that condition, or what remedy would you suggest?

Miss MALONEY. I think it can be best solved—I do not know what sort of legislation should be brought to bear on that, but I think if a commission were

appointed of an equal number of employees and employers and they could choose a party to represent the public and go into the trade and see both sides of the question, they could then settle it. I think it can be best settled that way.

Mr. THOMPSON. Do you think that such a commission, if it were a Federal commission and had broad powers over the country, would be better?

Miss MALONEY. I should think so.

Mr. THOMPSON. In other words, you are in favor of such commission, either State or national, as may be best?

Miss MALONEY. Yes, sir; I am in favor of such commission, either State or national, as may be best, but the people to be chosen on one hand by the workers and on the other hand by the employers, and not to be appointed by either the State or Nation.

Mr. THOMPSON. You heard Mr. Walker's testimony?

Miss MALONEY. Yes; and I am heartily in accord with that.

Mr. THOMPSON. He expressed your views?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. You spoke something about representing a democratic organization and that you expressed its views. What have you to suggest, if anything, in the way of rules and regulations, or laws that would safeguard the democratic expression of the views and attitude of the members of trade-unions?

Miss MALONEY. Well, we have in our organization a certain routine to go through before a strike can be called, and a certain routine to be gone through before a settlement can be had other than that authorized by the organization to be put through. In that way I think it is democratic, because it at all times expresses the wishes of the rank and file.

Mr. THOMPSON. You think the individual members of the union ought to be protected in the expression of their views the same as in the State in voting?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. And if there is any interference with that the interference ought to be removed?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. And regulations of institutions like the primary law we have in the State should be inaugurated in order to protect the purity and free expression of the will of the members?

Miss MALONEY. Yes, sir.

Mr. THOMPSON. A certain portion of the people, I take it, can be safely said, feel there is not that free expression in all labor organizations. Have you given it any consideration, and, if so, what remedy would you suggest there?

Miss MALONEY. Well, for the most part my main study has been with the organizations of women, and I think my experience has been that they have tried to get out of the individual girl her expression on every subject possible. They have urged her to get up and state her views, feeling that everybody should give expression to the question before them.

Mr. THOMPSON. As far as you know, is anything like the Australian ballot used in the unions to safeguard the secrecy of the ballot?

Miss MALONEY. It is used in our organization, and that is the way we elect our officers, and that is the way the strike vote is taken, and that is the way all questions are decided.

Mr. THOMPSON. You believe the use of that method is a safeguard in organizations?

Miss MALONEY. I think you get the true expression of the members in that way.

Mr. THOMPSON. Do you think that is generally true of labor unions in this city?

Miss MALONEY. With those I have come in close contact with I do.

Mr. THOMPSON. Do you think that sort of expression exists in the building trades?

Miss MALONEY. I only know just in the women's organizations. Not being a member of the building trade I could not very well express myself on it.

Mr. THOMPSON. Have you any views with reference to the establishment of a minimum wage, such a law as has been offered to the legislature at Springfield?

Miss MALONEY. The Women's Trade Union League, with which our organization is affiliated, did submit a bill which we thought was a good bill at the last session of the legislature. We thought it was a very good one. It was drawn for the creation of a commission of three to investigate with power to appoint a minimum wage board consisting of an equal number of employers

and employees in each industry and some one to represent the public, chosen by those, and to go into the details of the industry from both standpoints and arrive at what they thought would be a fair wage for the worker and at the same time fair from the business standpoint, and we thought we had a very good bill.

Mr. THOMPSON. Did you hear Mr. Taylor's testimony?

Miss MALONEY. Yes; and I heard it at Springfield, too.

Mr. THOMPSON. What have you got to say with reference to what he said?

Miss MALONEY. I will repeat what he said at Springfield, I think that would be the best way to explain it. He was asked by Senator Juul—I believe his particular clients at that time were the candy manufacturers, at least they seemed to be very much in evidence. He was asked by Senator Juul, when he had taken the side to oppose all legislation—by the way, there were about seven bills pending before the legislature—Senator Juul asked him if he didn't think any girl who had given her services all week was entitled to enough compensation to get three meals a day and a decent place to sleep. He answered no. He was asked where he thought the responsibility lay if it was not a responsibility on the part of the employer, and he said no, that he thought the responsibility should lie with the parents and that the employer should be complimented for giving them anything at all while fitting them for commercial life. And he was then asked if he had a daughter of his own, and I believe he answered yes. I wish to say that I believe that was a very inhuman answer. I think that expresses my view on it.

Commissioner O'CONNELL. Are there printed records of those hearings?

Miss MALONEY. I think they can be had of the secretary of state.

Chairman WALSH. Were shorthand notes taken of the hearing before the committee at Springfield?

Miss MALONEY. I don't know.

Mr. THOMPSON. He has substantially said the same thing at this meeting.

Miss MALONEY. He admitted the testimony.

Mr. THOMPSON. That a girl 16 years of age wasn't able to earn her living.

Miss MALONEY. Yes, sir.

Mr. THOMPSON. What have you to say with reference to that subject? Where should the responsibility rest to support that girl?

Miss MALONEY. I think when the employer—you know as soon as they come out of school you read the ads in the papers how they want the girls just fresh from school so as to learn their methods. She is very quick to pick them up, and she ought to be worth at least her living, and I don't consider her living just three meals a day and a decent place to sleep. When you look at the profit side of any concern and look at the wage column, and see the wages as low as two or three or four dollars a week, and you know that industry is piling up millions of dollars at the expense of the girls, that side of the table should be equalized a little more, and I think a girl should be entitled to live decently and properly and enjoy some of the things in life that her employer wants his children to have.

Mr. THOMPSON. Would it affect your answer you have given even if it was true for a period of time like two or three or even six months a girl was unable to actually earn the wages she receives?

Miss MALONEY. We made a sort of provision for that; we tried to make a provision for that in the minimum-wage legislation. We asked the minimum-wage board to go into the question of apprentices, and state a stipulated salary below which they should not go. This was to be determined by this wage board, and also for people who were deficient; that is, if they were in any way deficient, by which their earning capacity would not be as great as some of those who were stronger.

Mr. THOMPSON. Have you considered whether it would be fair or unfair to charge against the industry the education of the worker in the industry, to do that specific work?

Miss MALONEY. To charge it against them?

Mr. THOMPSON. Yes; whether the industry should pay for it, or the parents, in preparing the girl for industrial life?

Miss MALONEY. I think after a girl has received what we call a common-school education, and that is what is compulsory now—I think that after she has been in the service anywhere six months she ought to be—the company won't keep her if she can't turn out a certain output in their line of work. If she is worth anything at all to that house or that manufacturing establishment

or that mercantile place she ought to be worth a decent living or salary enough for a decent living.

Mr. THOMPSON. Some one has got to keep her until she does learn a trade or industry.

Miss MALONEY. And they especially want a girl fresh from school so as to adapt her to that line of work. If she is necessary to industry and they choose to take her, they should not be allowed to hide under cover that because she just came from school and is proficient in every way she should be held to very low wages.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Weinstock would like to ask you a few questions.

Commissioner WEINSTOCK. I understand 10 hours is a maximum number of hours fixed by the law that women can work in Illinois?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. The law does not fix the minimum wage as yet?

Miss MALONEY. No, sir.

Commissioner WEINSTOCK. The 10-hour schedule for waitresses was due to the law?

Miss MALONEY. We first had it through organization, and in conjunction with the Women's Trade Union League we introduced the first bill for the 10-hour day. That bill was just limited to the trades in the first law—laundries, manufactories, and mechanical establishments—because there was a supreme court decision against the limitation of women's hours of work in certain lines, and we knew we would have to face the supreme court and have them reverse that decision, and so we took the identical Oregon law. Then it was carried to the court in the case of the Ritchie Co., and the law was upheld in the supreme court and it reversed its prior decision and included all trades. The waitresses had it by organization before that.

Commissioner WEINSTOCK. For what period was the agreement of your association with Mr. Knab?

Miss MALONEY. Only from the 1st of January to the 1st of May.

Commissioner WEINSTOCK. Only four months?

Miss MALONEY. Yes.

Commissioner WEINSTOCK. Had he violated any agreement?

Miss MALONEY. In one house there was a violation. In fact we desire to have all these things settled in one hearing.

Commissioner WEINSTOCK. The agreement was only signed for four months?

Miss MALONEY. Yes; the agreements all expire the 1st of May each year.

Commissioner WEINSTOCK. The issue at this time is to compel Mr. Knab to renew the agreement?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. Whether he wishes to or not?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. How many workers went on strike on the 1st of May from Knab's place?

Miss MALONEY. Out of 96 girls, 75 have gone on strike.

Commissioner WEINSTOCK. You say 75 out of 96?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. Are they still out on strike?

Miss MALONEY. Yes, sir; they haven't gone back there. Some of them are working at other places.

Commissioner WEINSTOCK. None of the proportional 75 returned to Knab's?

Miss MALONEY. Only two.

Commissioner WEINSTOCK. Can you tell the commission how many waitresses there are in Chicago?

Miss MALONEY. I think the last census showed 2,000.

Commissioner WEINSTOCK. What proportion of that number belong to your union?

Miss MALONEY. Between 600 and 700.

Commissioner WEINSTOCK. About 30 per cent are organized?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. The remainder are unorganized?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. That is all—in speaking of the minimum wage, do you favor a minimum wage?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. Does your organization favor the minimum wage?

Miss MALONEY. I can't speak for all of the organizations; but I believe the women's do.

Commissioner WEINSTOCK. The women favor it?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. The unions composed of men, have they fought it in any way?

Miss MALONEY. Not in this State.

Commissioner WEINSTOCK. They have not?

Miss MALONEY. No, sir.

Commissioner WEINSTOCK. In speaking of the minimum wage, you were saying that the lowest wage ought to be called a living wage?

Miss MALONEY. Yes, sir.

Commissioner WEINSTOCK. Put yourself, for the moment, in the position of the employer. Suppose you wanted to hire a woman and there were two women before you, two applicants; one was more efficient than the other, in your judgment, which would you select, the more efficient woman or the less efficient woman?

Miss MALONEY. I should think, naturally, I should want the more efficient; but, then, perhaps, if I could not afford her salary I might choose the less efficient.

Commissioner WEINSTOCK. Suppose both were ready to work for the minimum wage, you would naturally select the more efficient?

Miss MALONEY. I would naturally select the more efficient.

Commissioner WEINSTOCK. Suppose every employer did the same thing, what would become of the less efficient ones?

Miss MALONEY. I will answer that by saying I don't expect in setting a minimum wage—we are setting it so low, we want to make a standard below which nobody can go. Anybody, who pretends to be in an industry at all, can get that. We don't expect when the minimum wage is established, if you show more efficiency you can't go above it.

Chairman WALSH. At this point we will adjourn until 2 o'clock. Please return to the stand at 2 o'clock.

AUGUST GANS. My name is August Gans. I represent the Knights of Labor, No. 43 B Street, Washington. I want to know whether I will be admitted——

Chairman WALSH. If you will kindly address any communication you have to me in writing, I will be glad to answer it.

(Adjournment was here taken until 2 o'clock p. m. of the same day, Wednesday, July 22, 1914.)

AFTER RECESS.

Now, the hour of 2 o'clock having arrived, the commission met pursuant to adjournment.

Present, same as before.

Chairman WALSH. You may proceed, Mr. Thompson.

Mr. THOMPSON. Miss Maloney, please take the stand again.

TESTIMONY OF MISS ELIZABETH MALONEY—Continued.

Commissioner WEINSTOCK. I think, Mr. Chairman, I was in the midst of the examination.

Chairman WALSH. Yes, Mr. Weinstock.

Commissioner WEINSTOCK. Coming back, Miss Maloney——

Mr. THOMPSON. One question I desire to ask, Miss Maloney: You state you believe in the minimum-wage law?

Mr. THOMPSON. I have this question to propound to you: Would you compel an employer by law to give employment to the unemployed at the minimum wage?

Miss MALONEY. To the unemployed?

Mr. THOMPSON. Yes.

Miss MALONEY. You mean some one who had never been employed by them?

Mr. THOMPSON. What is that?

Miss MALONEY. Do you mean some one that they never had in their employ?

Mr. THOMPSON. This is the language of the question—I will say frankly—well, the question is as follows, the question by Mr. Drew: Would you compel an employer by law to give employment to the unemployed at the minimum wage?

Chairman WALSH. Would you compel an employer to hire persons that were unemployed, at the minimum wage, whether he needed them in that industry or not?

Miss MALONEY. Oh, no; certainly not.

Mr. THOMPSON. If not, how would you take care of the unemployed?

Chairman WALSH. I don't believe I would ask Miss Maloney that question. Ask somebody else that has a broader knowledge. You don't need to answer that; it is all right.

Miss MALONEY. I can answer how they would take care of them in our own organization.

Chairman WALSH. How do you take care of them in your own organization?

Miss MALONEY. In union shops in slack seasons—now, this is the summer season; it is our rush season—you take in the months of February and March, you take a house that has 40 or 50 employees, in place of putting any of them off the pay roll they will have each girl leave off one or two meals a week; that is the way we handle that.

Chairman WALSH. Now, Mr. Weinstock.

Commissioner WEINSTOCK. For your information, Miss Maloney, I might explain that in the British countries—in England, New Zealand, Australia—where the minimum wage was initiated, the legal minimum wage, they have a graduated scale, beginning with the boy and the girl that starts in fresh from school. The scale rises year by year until the maximum minimum is obtained. Now, is that your conception of the minimum wage? Would you pay what is called the maximum minimum wage right at the very start without having any graduated scale?

Miss MALONEY. Well, I think that you would start on the minimum and up toward the maximum.

Commissioner WEINSTOCK. You would have a graduated scale?

Miss MALONEY. Yes.

Commissioner WEINSTOCK. That is, you would not pay the boy and girl of 16 the same as you would the young man and young woman at 20?

Miss MALONEY. No, sir.

Commissioner WEINSTOCK. Would you have that scale rise by age, as it is in other countries, or by experience? In those countries they start in at 16 years, so much a week; 17 years, so much a week; 18 years, so much a week; 19 years, so much a week; and 20 years, so much a week, and there is no maximum to that except what the individual can create for himself.

Miss MALONEY. Can obtain through efficiency?

Commissioner WEINSTOCK. By way of efficiency.

Miss MALONEY. Yes; I would approve of that plan.

Chairman WALSH. Mr. Lennon would like to ask a few questions.

Commissioner LENNON. Is it or is it not your understanding that the wages of waiters are to be paid from the tips of the customers? I don't mean that there is an agreement, but do you believe that that practice of tips is taken advantage of by employers in order to make the wages less?

Miss MALONEY. In some instances; yes, sir. In the recent Henrici strike that was one of the strong resources they relied upon in paying $7 wage. They said they received good tips. I wish to say that organizations don't believe that the deficiency in the pay roll should be made up out of the charity of the patrons. That is the way the organization feels about it.

Commissioner LENNON. What is the attitude of your union as to the tipping system?

Miss MALONEY. We would like to see it eliminated and a decent living wage in its place.

Commissioner LENNON. If a living wage was paid, do you believe that would help to eliminate the tipping system?

Miss MALONEY. I believe it would.

Commissioner LENNON. Now, I want to find out from you something about wages and conditions in this city. Take, say, a year ago or two years ago, what wages were paid to waitresses in nonunion houses?

Miss MALONEY. In nonunion houses they work seven days for $8 and some houses seven days for $7, and lunch work from $3.50 to $3.90. You see there was a dollar difference in the wages there in that respect as far as the union is concerned. Some houses, for instance, in the Knab House, they work seven days for $7.

Commissioner LENNON. What wages were paid in union houses——

Miss MALONEY. For $8, I mean.

Commissioner LENNON. What wages were paid in union houses that long time ago?

Miss MALONEY. Six days and $8 in the houses that had closed-shop agreement.

Commissioner LENNON. What rules existed in restaurants and hotels wherever waiters are used as to their payment for breakage? Suppose they break a tray of dishes, who has to pay for those?

Miss MALONEY. If the waitress or waiter breaks it, he pays for them.

Commissioner LENNON. Is that always the case, or is each case judged on its own particular merits?

Miss MALONEY. In some houses you pay for the breakage irrespective of the merits, but in contracted union houses they can only charge for breakage in the case of gross negligence.

Commissioner LENNON. Who determines the question of negligence?

Miss MALONEY. If there is a question, it is left to the business agent of the union and the manager, and if they can not settle it they call on the committee, but it is usually settled by the business agent and the manager of the restaurant as to the merits or demerits of the case, and if they can't agree they put it to a committee.

Commissioner LENNON. In the nonunion house who determines it?

Miss MALONEY. The management. The waitress has no alternative except to accept the ultimatum of the manager or head waiter.

Commissioner LENNON. And have no appeal to anyone?

Miss MALONEY. The waitress has no appeal to anyone except to quit their job.

Commissioner LENNON. Do you know anything about the fines—any fine system. Suppose a girl is an hour late in the morning or at noon, are they fined in the house for being late? What is done?

Miss MALONEY. Well, I think, as a general rule, if a girl were to report an hour late she would lose her job.

Commissioner LENNON. Say 10 or 15 minutes late?

Miss MALONEY. In some houses they have a system of fines for that—fine them 1 cent for every minute they are late.

Commissioner LENNON. Is that anyway general or is that an isolated thing?

Miss MALONEY. It is not a general thing. They expect us to be on time, because your work starts in right away, and if you can't be on time you lose your job.

Commissioner LENNON. What effect has the establishment of your union and contracts in some of the restaurants had upon nonunion houses as to the raising of the wages and the limitation of hours?

Miss MALONEY. They raise within a few cents of our scale so as to keep the girls from becoming members of the organization. Our 600 members set the wage scale for the 2,000 girls of this town. They keep within 10 cents of it or maybe make them work a day longer, but the $8 wage, as a general rule, is paid in this town because it has been established by the union.

Commissioner LENNON. Does your union take cognizance of women employed like chambermaids in the hotel?

Miss MALONEY. They were organized at one time here in Chicago about 10 years when we went through quite a struggle and their organization was disrupted at that time, but we have made investigations of their work and do organize them into our national union.

Commissioner LENNON. Do you know about the wages they receive?

Miss MALONEY. Yes; I had occasion to investigate the case of a chambermaid in one of the large hotels here. From $14 to $15 a month. I investigated the case of a girl where they were poisoned on food that was spoiled and I went into quite a thorough investigation of that and found out from those girls that they received food that was three or four days old and when they got it it was in a half decomposed state. These girls were poisoned through eating spoiled roast pork, and in speaking with them I went to the room of the girls because they were in bed from those attacks of ptomaine poison and found on their window sills boxes of crackers and bottles of milk and other eatables. I said, what does this mean, don't you get your board at the hotel? Yes; but it is not fit to eat half of the time and whatever tips I get I use to get things to eat. There was an illustration of a regular delecatessen store, you might say, on the window sill of this girl's bedroom.

Commissioner LENNON. Has the union agitation bettered their condition, if you know, in this city?

Miss MALONEY. I think it has to some extent.

Commissioner LENNON. How many women do you suppose are engaged in that business in his city; have you any idea at all?

Miss MALONEY. Oh, I should judge about 3,000.

Commissioner LENNON. How do the waitresses' wages compare with the girls that are employed in the cloak and suit industry, do you know that?

Miss MALONEY. Well, that I do not know, because they work on a piece system, the majority of them. I could not answer that question because I have not ever worked in that trade and could not go into detail on it.

Commissioner LENNON. Speaking of the minimum wage, in expressing your approval of it, I am not sure whether you have yet indicated whether you believe in a minimum wage by a statute law of the State or whether you believe in it by the creation of wages boards?

Miss MALONEY. I believe in it by the creation of wages boards. I think that is the only way to determine it to arrive at what a proper wage would be for each trade.

Commissioner LENNON. Has your organization ever taken any official action on the question of the minimum wage?

Miss MALONEY. They have indorsed it, and part of the people in the Women's Trade Union League went to Springfield at the last session of the legislature to get a minimum wage law.

Commissioner LENNON. That is, your local union, you mean?

Miss MALONEY. They cooperated in the action of the Women's Trade Union in that sort of legislation and indorsed it.

Commissioner LENNON. That is, your Chicago local union cooperated?

Miss MALONEY. Yes.

Commissioner LENNON. Your international union, has it taken any action?

Miss MALONEY. Yes; our waitresses in San Francisco appeared before the legislature there for the same kind of a law and our girls did also in Washington.

Commissioner LENNON. What age are girls employed as waitresses?

Miss MALONEY. From 16 years up.

Commissioner LENNON. About what standard of education are they; are they pretty well through the eighth grade?

Miss MALONEY. Most of them; some of them have been graduates from day schools, and they are mostly girls who come here from small towns and have come here to start out in offices and the salary was small and they had to go into the restaurant work for the sake of getting their meals. They can get along a little better by just having to pay their room and laundry and get their meals; but in some of the nonuion houses they do not get good substantial food such as they get in the union houses.

Commissioner LENNON. Has the city of Chicago in making provision for vocational education made any provision to teach girls the work of waitresses?

Miss MALONEY. Not yet.

Commissioner LENNON. Has your union ever taken up the question at all?

Miss MALONEY. No; not in a specific way, speaking generally.

Commissioner LENNON. As much as you know of this general subject, do you believe in the State furnishing such education to some extent, to a reasonable extent?

Miss MALONEY. I should say so; it is a trade. People are going to eat just the same as they are going to wear clothes and gloves and anything else. This is a trade that will be with us all the time. There is no reason why it should not be taught properly.

Commissioner LENNON. I wonder if it is not an art, once in a while, when I see them carrying a load around. I think that is all.

Chairman WALSH. Mr. Ballard would like to ask you a question or two.

Commissioner BALLARD. Please, Miss Maloney, you spoke of the tips—can you give us some idea about what the tips would amount to in the course of the week with the average waiter girl?

Miss MALONEY. Well, it would depend on the class of house and the girl's station in the house.

Commissioner BALLARD. Well, the class of house you have been referring to.

Miss MALONEY. Well, if you referred to the house where the strike is on, the question of tips don't arise there to any great extent. The tips don't amount to much in that kind of house; it is a popular-priced house.

But in the case of Henrici's they made very startling statements, almost unbelievable; they claimed that the girls in that house made $25 a week. Our investigation shows that the girl in a good station would average from

90 cents to $1.10 a day, that is getting the girls who work there—their opinion—what they actually got.

Commissioner BALLARD. You say you are the business agent of the waitresses' union. Are you a waitress yourself?

Miss MALONEY. Yes, sir.

Commissioner BALLARD. Where have you been working?

Miss MALONEY. Well, I have worked in quite a number of restaurants in this town. I learned the business in the Fair department store; worked in Siegel's, Rothschilds, and then worked in quite a number of the lunch rooms around town.

Commissioner BALLARD. Are you working the last few years since you became business agent?

Miss MALONEY. I haven't worked at the business in two years.

Commissioner BALLARD. Is your union a national union or merely a local union?

Miss MALONEY. This is a local union affiliated with an international union covering the United States and Canada.

Commissioner BALLARD. When your girls are on strike, do they receive strike benefits?

Miss MALONEY. Well, not a stated strike benefit. We have what we call a defense fund.

Commissioner BALLARD. Where does that fund come from?

Miss MALONEY. Well, it is an international fund.

Commissioner BALLARD. The unions in other cities will send the money here to help you?

Miss MALONEY. They will send it to the international union and from the international union to us.

Commissioner BALLARD. That is all, Mr. Chairman.

Chairman WALSH. Mr. Delano would like to ask some questions.

Commissioner DELANO. There are a good many employers, I suppose, that employ only union girls?

Miss MALONEY. Yes, sir.

Commissioner DELANO. Now, do those employers have any immunity from trouble, do they get any better character of girls, is there anything done by your union to make it to their interest to do that?

Miss MALONEY. Yes, sir. In the first place, they get steadier help, girls whose actions are responsible to their organization. A girl must give an employer 24 hours' notice if she wants to leave. She must report at least 15 minutes before the hour called for work. She does everything that she can to always have a satisfactory substitute in her place when she leaves his employment. And there are so many advantages from it that the people who have contracts with us have no hesitancy at all in saying that they are well satisfied with the help that we send them. You see, they are responsible to the organization for their actions, and in order to have the protection of an organization they are anxious to make good when they are on the job.

Commissioner DELANO. Are they liable—are those employers liable to sympathetic strikes or anything of that kind?

Miss MALONEY. Well, we haven't had any sympathetic strikes. We provide for that by way of arbitration.

Commissioner DELANO. That is all, Mr. Chairman.

Chairman WALSH. Miss Maloney, why do you object to the giving of tips; or what evils, if any, have you found coming from that so far as the girls themselves are concerned, or the industry, the workers in the industry are concerned?

Miss MALONEY. Well, in the first place, where there are tips it always creates a great deal of dissatisfaction, for one thing, because the girls don't receive them, and yet their wages would be lowered on account of those who do, and the precedent established by those who do makes it hurtful on those who do not.

And then another thing. When a girl has to depend on tips for her existence, it is pretty hard for her to draw the line—where the line of propriety should be. It is very hard for her to determine. She is likely, while she resents things that are said to her, she don't resent them in the way that she would when she knows that the man is going to leave her a dime or a quarter, because she wants the money, and, although she knows that the thing that he is saying should be resented, she hesitates about it because she wants the money.

Chairman WALSH. You recognize that as a distinct evil where young girls are concerned in restaurants?

Miss MALONEY. Yes, sir.

Chairman WALSH. And that is why you have worked against it?

Miss MALONEY. That is why we are trying to standardize the trade and increase the wages and hours and eliminate the tipping system.

Chairman WALSH. What hours do chambermaids work in hotels generally—in large hotels?

Miss MALONEY. Well, while the 10-hour law was under discussion we had a great deal of that sort of thing. They usually work from 8 to 9 hours, but then they have what they call their long-watch days; and, of course, before the 10-hour law went into effect they used to be on watch 12 and 13 hours, but now, of course, the law protects them.

Chairman WALSH. Has there been any effort to protect any other industry where there are large numbers of girls and women employed in Chicago?

Miss MALONEY. Yes.

Chairman WALSH. In what industries, for instance—typical ones?

Miss MALONEY. Well, they are organized in the garment trades; they are organized in the glove workers; they are organized in the boot and shoe workers.

Commissioner WEINSTOCK. Laundresses?

Miss MALONEY. Well, they have got a very small organization of laundry workers.

Chairman WALSH. Are the telephone girls organized?

Miss MALONEY. They are not organized here in Chicago.

Chairman WALSH. What others?

Miss MALONEY. I could not name them all offhand.

Chairman WALSH. Is that all that you can think of?

Miss MALONEY. Oh, there are more than that.

Chairman WALSH. Miss Nestor will probably have a list of them.

Miss MALONEY. She will have a list of those affiliated with the women's trade-union.

Chairman WALSH. Is there any question, Mr. Thompson?

Commissioner GARRETSON. Mr. Chairman——

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. Are the 10 hours under the State law worked consecutively, or is there a period allowed in between?

Miss MALONEY. Yes; there is a period allowed between; they can make you take time off.

Commissioner GARRETSON. They can work you five hours and then a recess, and then work and then a recess and work again?

Miss MALONEY. Yes, sir; and I might say that when we tried to get the nine-hour law at the last session of the legislature, that Mr. Taylor and the organization that he represents defeated that sort of legislation, defeated the nine-hour law, defeated the one day rest in seven, defeated all minimum wage legislation, so that they are absolutely opposed to remedial legislation for women workers in this State; that is shown by their actions; and they are equally opposed to organization, because their entire efforts have been directed to breaking them up, in place of meeting them and trying to deal with them.

Commissioner GARRETSON. You mean opposed to organization for others or for themselves?

Miss MALONEY. Well, for others, but not for themselves.

Commissioner GARRETSON. Oh.

Chairman WALSH. Any other questions? Mr. O'Connell has a question he would like to ask.

Commissioner O'CONNELL. Has there been any legislation before the State legislature introduced in behalf of labor or by labor in a remedial way that that association of employers have given support to?

Miss MALONEY. Not that I know of, except when there were commissions appointed they come in and agree upon bills; otherwise they always fight.

Commissioner O'CONNELL. The legislation that has been introduced, they have made opposition to it. I would like to ask you, Do you believe there should be a union among domestic servants in the homes?

Miss MALONEY. I certainly do.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Unless you have something else you have thought of you wish to volunteer, Miss Maloney, that will be all.

Miss MALONEY. I wanted to bring out the point that where there is no organization of the women workers, legislation in their behalf does not do any

good, because their fear of the loss of their position keeps them from having the law enforced. Now, you take the Polish girls who are working in hotels and restaurants, they report a violation, and even after they have reported the violation they hesitate to come into court and appear as a witness because of the loss of their positions, because they must then in turn give two more dollars to the employment agency to get another position; so that no matter what legislation you may have concerning the women workers, you must have an organization of those workers to make that legislation effective.

Chairman WALSH. Is that all?

Miss MALONEY. Yes.

Chairman WALSH. Thank you, Miss Maloney.

Call your next witness.

Mr. THOMPSON. Mr. Bent.

Mr. Taylor would like to make a short statement to the commission with regard——

Chairman WALSH. Mr. Taylor who has been on the witness stand?

Mr. THOMPSON. He does not want to give any testimony; he only wants to make a statement.

Chairman WALSH. We will recall Mr. Taylor.

Mr. THOMPSON. I will tell the chairman what he has to say. There were some things Miss Maloney has stated that he wants to counteract, and he would be willing to submit a statement in writing, if that is satisfactory to the commission.

Chairman WALSH. We would rather call Mr. Taylor in rebuttal. We will arrange a place for Mr. Taylor to be heard again.

TESTIMONY OF MR. EDWARD T. BENT.

Mr. THOMPSON. Will you give your name and your business address and your occupation?

Mr. BENT. Edward T. Bent; 1110 Fisher Building; president of the Ogilvie Coal Co., Ogilvie, Ill.

Mr. THOMPSON. That is a bituminous coal mine?

Mr. BENT. Yes.

Mr. THOMPSON. Are you connected with the executive board of the Illinois Coal Operators' Association?

Mr. BENT. I am a member.

Mr. THOMPSON. You are a member of it?

Mr. BENT. Yes, sir.

Mr. THOMPSON. How long have you been a member of that board?

Mr. BENT. Since I retired as secretary-treasurer. I was secretary-treasurer for 10 years, and the last 3 or 4 years has been as a member of the board.

Mr. THOMPSON. Then, for the last 13 years you have been connected with the executive board?

Mr. BENT. Yes, sir. I have been connected officially from the organization of the association.

Mr. THOMPSON. How long have you been engaged in the mining of coal in this State?

Mr. BENT. Since 1880.

Mr. THOMPSON. Since 1880?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Will you please tell us what sort of an organization the Illinois Coal Operators' Association is and its purposes?

Mr. BENT. The Illinois Coal Operators' Association was formed at the close of the strike in the year 1897, in which the operators were defeated, and the miners of the State for the first time were generally organized, and it was organized to deal collectively with the miners in making contracts and in interpreting and enforcing them. That is still its main purpose, and it does, and to take up certain other matters, such as the matter of safety, safety legislation, and the proper stocking of Illinois coal and enlarging these markets.

Mr. THOMPSON. What are the existing relations? In the first place, what proportion of soft-coal operators or coal operators generally of the State of Illinois does your association include?

Mr. BENT. Until four years ago it included nearly all the shipping mines of the State. At the end of an unsuccessful strike four years ago the association was very much weakened. A new association was formed in the St. Louis district, and a great many companies have been independent since then, and since

the mines of the Manville district passed into the possession of the Steel Trust that large tonnage has not been represented by us, perhaps less than 50 per cent now.

Mr. THOMPSON. What are the existing relations between your organization and the union?

Mr. BENT. Of collective bargaining, and very elaborate—perhaps the most complete arrangement in the mining industry of the country. The relations with their responsible leaders are very pleasant, and there is mutual respect and confidence, but the trade agreement as a whole is subject to very serious strain.

Mr. THOMPSON. Have you a constitution and by-laws that are printed?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Have you any objection to furnishing this commission with that?

Mr. BENT. No, sir; I have a copy here.

(The paper so presented was marked "Exhibit No. 1, Witness Edward T. Bent, July 22, 1914."

Bent Exhibit No. 1, "Constitution of the Illinois Coal Operators' Association," adopted February 26, 1907, in effect June 1, 1907, was submitted in printed form.)

Mr. THOMPSON. Is there any statement with reference to your organization you would like to make, supplementing the constitution and by-laws, more than you have already made?

Mr. BENT. Not that I recall.

Mr. THOMPSON. You have spoken about the existing arrangement between your association and the miners. I take it that is an arrangement between your association as such and the union as such in this State?

Mr. BENT. Yes; since the breaking up of our jurisdiction we meet with the other associations of the State in joint State convention with the miners and a single contract is made, signed by the three associations on our side and the miners' union.

Mr. THOMPSON. You said something about conditions being strained, or in bad shape, as I understood you, a moment ago. Please explain what you mean by that.

Mr. BENT. I didn't refer to any one thing, but a number of things, but particularly the miners seek to make a basic contract for the four States—western Pennsylvania, Ohio, Indiana, and Illinois—and on that basis contract all other bituminous coal contracts of other States are predicated, and the miners seek, usually successfully, to bring us into that interstate conference. The contract conditions that have always obtained in these four States are so unequal and the machinery provided so utterly impotent to correct the competitive inequalities that the relationship is very unsatisfactory to the coal operators of Illinois, and I would like to say also unsatisfactory to thoughtful mine officers of Illinois. The last interstate movement started after the strike of 1897, when the miners had been successful and had made a very, very large—in some cases nearly 100 per cent—increase in the labor scale, and when Ohio hadn't passed through any such readjustment. The inequalities that existed in the original contract practically remained still. To illustrate, in Illinois the contract gives 7 cents per ton less for machine coal than for hand-mined coal. The new contract in Ohio also for mine-run coal makes a difference of 20.6 cents. Both contracts are predicated upon a $1 rate for scale coal, and 90 per cent of the Ohio coal going to the Lakes—90 per cent of the Ohio coal being mined by machinery, and the coal we are in competition with going across the Lakes, so that we are competing with a paper scale. That is one of the inequalities. The miners of Illinois have sought to correct that by bringing about an adjustment in the East and have failed. We have sought to correct that by bringing about an adjustment in the West and have failed. That is one of the difficulties under which we labor. The miners' organization has practically decentralized and no longer can control its membership in a responsible way. The national organization is in no position to impose views on the miners' organization of Illinois. The responsible leaders in Illinois are unable to control the locals in any way, nor are they able to control in a reasonable way the negotiations for contracts. This year we were three weeks in Philadelphia trying to make an interstate agreement and failed, and then reassembled in Chicago and failed again. At the meeting a policy committee was appointed to outline measures on which the miners of the various States were instructed to make a contract if possible. Both the Illinois and the national leaders told us there would be no

difficulty in completing a contract at Peoria later, because we stood ready to give the terms of the previous year, which were being accepted elsewhere and offered by the policy committee, and yet the miners' convention electing its own scale committee, a majority of whom were not familiar with the subject or what the contract meant, we were six weeks in negotiation and then narrowly averted a strike, and yet it was recognized in advance that the contract could not be changed under existing conditions materially. The miners' responsible officials have recognized that the terms of employment in Illinois are the most favorable of any State in the competitive field in the country, but simply are unwilling to surrender anything that they want here, and we are waiting for an adjustment either up or down, and it don't come.

Mr. THOMPSON. In your opinion, does the fact that that adjustment does not come render of no value the agreement which exists between your association and the miners?

Mr. BENT. No, sir.

Mr. THOMPSON. Or is it one of the things that has not been adjusted?

Mr. BENT. It very greatly lessens its value, but it still has value, and I prefer it to the other system. But even with the miners unable to adjust wages in the East and unwilling to give us relief in the West, their organization could easily be made responsible so that the trained leaders could direct instead of being directed by men who are uninformed—the mass.

Mr. THOMPSON. In the soft-coal industry, as a matter of fact, is it true that there is a great variety of prices and that the fixing of prices for coal is more or less of a complicated proposition?

Mr. BENT. Very complicated and technical, particularly so in Illinois.

Mr. THOMPSON. How many prices have you in Illinois, if it may be put in that language?

Mr. BENT. I can file a copy of our agreement, which answers that question.

(The paper so presented was marked "Exhibit No. 2, Witness Edward T. Bent, July 22, 1914."

(Bent Exhibit No. 2, "Agreement between the Illinois Coal Operators' Association, etc., and the United Mine Workers of America, District No. 12, expiring March 31, 1916," was submitted in printed form.)

Mr. THOMPSON. Scores and scores?

Mr. BENT. Yes; I don't know that there are scores and scores of different rates, but scores of different schedules.

Mr. THOMPSON. Are those contained in this book?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Comparing the conditions that exist in the coal fields in this State to-day, as you have named them, with conditions that existed prior to 1897—that is, leaving out economic questions, just the labor problem—has advance been made or were the old conditions the best?

Mr. BENT. It depends on what is meant by advance. The conditions are as unfair and intolerable to the employer now as they were to the laborer before. They were very unfair to the employee before.

Mr. THOMPSON. Now, as far as the employees are concerned, was it more unpleasant, and more strikes before 1897, or are there more strikes and troubles to-day? I don't mean trouble in contract making.

Mr. BENT. You mean contract making?

Mr. THOMPSON. No; strikes and industrial conflicts.

Mr. BENT. There was more under the old conditions—open strikes.

Mr. THOMPSON. To what extent has the making of contracts, such as you now have, reduced the occurrence of strikes in this State, generally speaking?

Mr. BENT. To a large extent, but hasn't eliminated them.

Mr. THOMPSON. To what do you ascribe the fact that the strike has not been entirely eliminated, if you have an opinion on that subject?

Mr. BENT. There are three kinds of shutdowns that occur in the mining industry, all of those serious. There is the local revolt to impose—to establish some demand not sanctioned by the organization. The remedy for that is the penalization of the guilty.

Mr. THOMPSON. Is that generally applied?

Mr. BENT. No, sir; generally not. As Mr. Walker said yesterday, it is applied with discretion. It is done occasionally and a great deal of good results. It ought to be done more often where there are not extenuating circumstances. The thing would be broken up very quickly if it was imposed.

Mr. THOMPSON. In whose discretion is it applied?

Mr. BENT. We ask to have it done automatically, and it is subject to review, but it can't be done without the consent of the two organizations, and that is too often withheld.

Mr. THOMPSON. Who asks oftener, the employer or the coal miners?

Mr. BENT. The employer.

Chairman WALSH. As I understand you, the employer has nothing to do with that, it is a matter for the union?

Mr. BENT. It is a joint matter, the employer asks for the imposition of the fine and evidence is taken——

Chairman WALSH. What are the two organizations you refer to that decide whether it is to be applied or not?

Mr. BENT. It must have the consent of all the organizations.

Chairman WALSH. What do you mean by the two organizations?

Mr. BENT. The coal operators' association and the miners' union. The second kind of a shutdown that is called, has always been where a dispute has been taken up in the proper way and finally reaches the joint executive board without being settled. The miners' executive board will give five days' notice before shutting down the mines. That has occurred often enough to be serious. It is very offensive to the employers. We claim that when the labor is bought for two years, the coal sold for two years, that that should mean operation of the mines for two years, and with the elaborate machinery we have provided for the settling of disputes on their merits. Comparative few places that are not so settled should either go to arbitration or a breach of the peace. Shall I at this time explain what change has just been made through dealing with that proposition?

Mr. THOMPSON. Yes; we would like to have that. You have stated there were three causes for strikes. You had stated two. Do you wish to go on and state the third?

Mr. BENT. Yes. The third is the general suspension either for the country or competitive field of Illinois. When a contract has expired because of failure to negotiate another one. That is the suspension of the three that very greatly affects the public interests.

Mr. THOMPSON. Does that occur often?

Mr. BENT. No, sir. It occurred this year in Ohio. It occurred four years ago in Illinois, and it occurred in Indiana two years ago. It occurs often enough to be very serious. But still more often, probably, every two years there is a fear that a shutdown will occur and some stock of coal, or some speculation in coal, or some injury to the public, or some injury to the miners, and some injury to all the operators, except those who are speculators, who are the common enemy.

Mr. THOMPSON. What remedy have you to suggest for such a situation?

Mr. BENT. I feel that, with Mr. Walker, that the means of handling both these disputes and the means of reaching agreements should be left as far as possible inside the industry. And I feel that the employers and employees, particularly the mining industry when the public is so vitally concerned, should provide their own machinery for the preventing of such an occurrence and the making it reasonably certain. But I feel back of that that if the employees and employers in any such industry will not do it, the Government should provide the machinery, properly safeguarded.

Mr. THOMPSON. In that connection would you feel that such a board as a Federal industrial council with power to investigate industrial conditions would be of assistance?

Mr. BENT. I think if properly constituted; I feel much as Mr. Walker expressed himself yesterday, feel the greatest necessity, and I go further than Mr. Walker, because I believe that the feature in the Canadian act that he criticized was a wise one and in the mining industry a necessary one. But it does not seem to me legitimate that the miners should, in order to win a strike, be able to catch the public unawares and win by virtue of the public necessity. The operators, of course, feel that pressure of the public need first; but it is an advantage to the miners that they are not entitled to, and I feel that the forbidding of strikes and lock-outs until after the investigation is a wise and necessary one.

Mr. THOMPSON. What have you to say of the complaint of the workers on the other hand that the forbidding of a strike, as was done in Canada for 30 days, gives the operators an opportunity to pile up coal?

Mr. BENT. It is undoubtedly true.

Mr. THOMPSON. And especially with regard to the men out on the strike.

Mr. BENT. It is undoubtedly true; but does that starve out the men on the strike? They have had to dig the same coal. In Illinois they simply dug double the quantity in February and March, and were idle in April and May, but they have got the livelihood; they have furnished the coal. And isn't it right that the railroads, performing a public function, and the large consumers of coal in general should have coal during the time that this question is being disposed of? Should not the Government find some way of disposing of it, even by force at the public inconvenience?

Mr. THOMPSON. Is there anything more you would like to say about the Illinois coal situation especially?

Mr. BENT. Yes; the independent action and new contract provision in regard to that.

Mr. THOMPSON. That is what you wanted to speak of.

Mr. BENT. The contract prior to this year for a number of years provided that matters could be sent to arbitration either before or after going to the joint executive boards, after they had disagreed in the field, but voluntary and an independent action should only be taken in matters of vital concern to one organization or the other. The miners' organization was its own judge as to whether a matter was of vital concern or not, and independent action was taken so often that the arbitration provision became a dead letter. The new contract provides very adequate machinery for the arbitrating of disputes. I want to explain that later. It is still voluntary, but provides that independent action in matters affecting the contract can only be taken when the other side refuses arbitration. It seems to me that is a very wise provision. It stops short of compulsory arbitration and does reasonably insure peace.

Mr. THOMPSON. Will you state briefly, Mr. Bent, the specific machinery now being used to arbitrate troubles that have reached that stage?

Mr. BENT. The new board has not been created yet. The machinery has been created, and there is no disagreement as to the personnel. It simply has not been completed.

Mr. THOMPSON. Well, what kind of machinery have you?

Mr. BENT. The provision, the rule is laid down for the guidance of the commission first, the plain provision of the contract; second, the stipulated interpretation of the contract in the record; third, the practice in the past undisputed; and, fourth, what seems to be fair in the particular case and sound in principle—in that order of sequence. The commission is to be composed of one direct representative of the mine workers selected by it; one direct representative of the operators, selected by the three associations of operators; and three disinterested parties preferably familiar with the mining industry.

The theory is, we believe that—both the miners and we believe that arbitration too often fails because there is only one disinterested party; one man can err in judgment or be partial. The consensus of opinion of three we feel is very much safer. It reasonably insures justice. And in order to simplify, those two direct representatives are to be carefully selected, and it is hoped that they will themselves dispose of the majority of the cases. If they can't, they have the privilege of agreeing upon any one of those other three to come in with them. To simplify the procedure and make less expense, particularly in discharge cases where the main thing is to dispose of it quick and get rid of it, that is followed. But where the two disagree then the disinterested parties are called.

Mr. THOMPSON. Have these provisions that have been agreed upon, the union men and the operators, been put into writing?

Mr. BENT. Yes.

Mr. THOMPSON. As it is valuable information, would you mind furnishing the commission with a copy of it?

Mr. BENT. This part that is in the contract itself will be found in section 13 of the contract that I gave the secretary. The machinery that was since provided by commission is here.

(The paper so produced was marked "Exhibit No. 3, Witness Edward T. Bent, July 22, 1914."

See Bent Exhibit No. 3 under "Exhibits.")

Mr. THOMPSON. Is there anything special you would like to say in regard to that, other than what you have now said?

Mr. BENT. No; I think not.

In order to avoid unnecessary trouble there are certain provisions in our contract that I think it is well to mention. The walking delegate is eliminated. The miners have a pit committee of not to exceed three, who must be employees

of the company and who can not go about looking for trouble. They only have jurisdiction where the employee personally and the mine manager have disagreed. Mr. Walker explained the rest of the machinery yesterday.

Mr. THOMPSON. In regard to the Illinois coal fields, what proportion of days in the year do the miners get work, do you know?

Mr. BENT. There is a very serious overproducing capacity, and the industrial commission in the mining industry is at the bottom of the strain in our labor negotiations that I spoke of. There are about 80,000 miners in this State. Under the contract the mines could work but 8 hours out of the 24. The capital is idle two-thirds of the time, anyway, and on account of Illinois coal not stocking very well, and the seasonable demand being so great in the fall and winter, the mines could not naturally operate more than from 240 to 250 days a year. But they could operate that steadily and meet the public need. Yet they operate about 170 days. As a consequence the miners, while enjoying the most favorable wage scale in the country, have an inadequate annual earning, and I suppose that that provokes the additional demand from the rank and file of the miners that we face each two years.

Our answer to that is the more you shove up the Illinois scale the less they will earn instead of more, because the less work.

When President Walker retired as president of the mine workers in Illinois to accept the position of president of the Illinois Federation of Labor he told the miners in the Peoria convention that the operators were at their mercy, and that they could impose almost any additional demands on them that they chose. I am not quoting him literally. And he said the industry is carrying all it can safely, and you can't add to the burden without getting less work. And that was the character of picture.

Mr. THOMPSON. Briefly, Mr. Bent, what are the reasons that limit the amount of work to 170 days in a year, whereas in your opinion they might run from 200 to 240?

Mr. BENT. The reasons are most difficult. In the first place, but for artificial conditions we are in the midst of God's country, in an enormous consuming country. If Illinois could enjoy the markets that naturally belong to it, the home market, not to the exclusion of others, but as it should, the labor of these—there are 25,000 more men in the State in the mines than are needed. Those 25,000 men would be employed, and the mines would be run as they should. The discrimination of the wage scale that I have spoken of, and inequalities in transportation rate, all enter into the problem and are all being considered by the industry.

Mr. THOMPSON. Then, the two factors that relate to the industry are the first two?

Mr. BENT. I think so.

Mr. THOMPSON. And the transportation is another matter?

Mr. BENT. Yes, sir.

At this point I should say that I think the mining industry is in a class by itself, and that unless Congress recognizes that these troubles are going to continue, they are going to be just as hurtful to the workers and to society as they are to the employers. The waste of keeping 25,000 men in the mines of Illinois that are not needed, the waste of the opening of mines that are not needed, the poverty that follows the inability to make investments to properly safeguard the workers, the inability to take any but the cheapest mine coal, the abandoning of a mine before it is two-thirds worked out, the abandoning of part of the coal because it can't be produced for what it will bring—all of that waste is attendant upon the present condition. It seems to me destructive competition in the mining business is in the interest of nobody, and we are willing to face it. We are willing to have not only—I am speaking for myself and for those that feel as I do, and I think it is the prevailing opinion—we are willing to have publicity, all the cards on the table. We are willing to accept Government control. We are willing to have prices disallowed that are extortionate, but we do believe that something like the German system, if constitutional, if needed in this country. In Germany a mine is not allowed to be opened unless there is commercial need for it.

Mr. THOMPSON. Are there any other suggestions that you would like Congress to carry out in that respect other than this German system where a mine would not be allowed to be opened? How would you take care of the present mines that are already opened?

Mr. BENT. Well, it seems to me that enough mines are going to the graveyard every year to very quickly overcome the oversupply of coal, if the opening of

new mines is regulated. And then the business in spite of all these things that I have spoken of, the business is growing by leaps and bounds. Even the Illinois tonnage has doubled every 10 years, and the first revival of business would very quickly restore the balance if unnecessary mines were not opened in addition.

Mr. THOMPSON. Then, you have no other definite recommendation that you would make in that respect?

Mr. BENT. Why, I feel that the Government might permit reasonable restraint of trade in the mining business. No attempt of that sort is made under existing laws at all any more to my knowledge. But we are just going to destruction; 17 failures in the mining business in Illinois in the last year, and apparently there will be more this year than last.

Mr. THOMPSON. I want to put one or two more questions to you in regard to this coal proposition:

Do you find among either the operators or the unions a sense of responsibility for the interest of the general public?

Mr. BENT. I think that more and more the coal operators, as a whole, feel that responsibility and that the organization, as a whole, don't. We have sought officially the last few years to have steps taken to prevent any shutdown when the contract expires. Not only that, but to have the public know that there will be no shutdown so that this expensive stocking of coal by the railroads and others could be eliminated.

Two years ago a provision with that in view was inserted in the contract, but simply created the machinery for attempting to do it, subject to the ratification of the two sides.

President White, of the mine workers, took it up with his convention and handled one phase of the subject, but not the other, and presented his plan to us at Philadelphia. We pointed out wherein it was totally insufficient, and, after tying up the convention for several days, accepted the half loaf as better than no bread. Mr. White's plan, the plan which the miners have adopted and which is a step forward, is that if a basic agreement has been made—by that meaning a four-State agreement, before April 1—that then the work shall continue in the various districts pending the working out of the supplemental agreements. We said that that does not eliminate at all the necessity for coal stocking, because there is no one that can give assurances that a basic agreement can and will be made before April 1. As a matter of fact, we tried for a month this year, and there was no agreement by April 1. And as a matter of fact the railroads had and did stock coal in the past to avoid the feared suspension. The policy committee, however, authorized work to continue, and work did continue nominally, but there was no work to do because the coal stocks were on hand. The mines were nominally open in April and May, but actually idle. And the railroads, as one of the commission can tell you, incurred just as large expense for insurance purposes this year as usual.

Mr. THOMPSON. Is there any tendency to take advantage of the public and force submission?

Mr. BENT. Yes, sir.

Mr. THOMPSON. In what respect?

Mr. BENT. The miners desire to have coal supply insufficient when a contract expires, when negotiations are pending. They have discussed it, but are unable to do it under the contract, causing mines to run on short time to prevent coal stocking before the expiration of the contract. They have not done it, but the contract is there and they have frequently avowed that policy. Mr. Walker avowed it yesterday, objected to the Canadian law because coal stocking could occur before they strike.

Mr. THOMPSON. In what percentage of cases would you say that method is used by the union?

Mr. BENT. Well, the coal contracts expire in the spring when the business is quiet and they have not the opportunity to employ it often. But they desire to do it.

Mr. THOMPSON. You think it is there?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Have you any restriction of output resulting from the desire of the men to make more work?

Mr. BENT. Our State contract forbids it, and the miners' officials are more or less successful in preventing such restrictions as the number of cars that the miners shall load in eight hours. There is strife over the machines, and in every convention we have considerable trouble meeting those questions of restrictions

as to how many miners shall be allowed behind a machine. The operator states the length of time for the machine and the method for the machine and the miners probably insist there shall be no more men behind the machine than operate and there is friction over it.

Mr. THOMPSON. Wherever that has been done, the output restricted, does it result in creating more work, or what is the result; is it the opposite?

Mr. BENT. I think the opposite. In general most of these restrictions have been handled successfully. The crying restriction in this State is the handicap placed upon the machines. It is based upon the earning power of the men, but the effort is to restrict the use of the machines, and if they are to be used at all to deprive the employer from any profit in them.

Mr. THOMPSON. Is there any cooperation between the operators and the men to improve the conditions of the industry in Illinois so as to put it on a better competitive basis with other States?

Mr. BENT. I think both the miners and operators sincerely are desirous of having it placed upon a fair competitive basis with other States. But I do not know of any cooperative work to that end. The miners have spent a great deal of money in trying to organize unorganized fields, such as Kentucky and West Virginia, which are a menace to collective bargaining, and we are accused of helping that movement by the check off. The check off is imposed upon us. We have assiduously sought to be relieved from it or to have it limited to the organization, the needs of the maintaining of the organization locally, that is the local and the State, and we have failed in those endeavors. I have no doubt that the money that the check off, both from the unwilling and the willing under this contract, is used in very large sums in this propaganda, properly or improperly.

Mr. THOMPSON. Would such cooperation be beneficial?

Mr. BENT. Within the limits of the legitimate; yes, sir. But how far can we go legitimately? We have been asked by the miners to make a scale for States not represented in the joint conference and have declined.

Mr. THOMPSON. The question relates, Mr. Drew tells me, to greater efficiency in increased output and matters of that kind.

Mr. BENT. Oh, by all means; yes, sir. Like the witness yesterday, I do not see that the rank and file of the miners or the organization as a whole is giving thought to the efficiency and increase of results to the industry. But they are giving thought simply to what they get out of it while limiting what we get of it, our ability to pay to them. I am in entire sympathy with their efforts to get better and better wages and control the number of hours and help the reasonable, comfortable, working conditions, if they were imposed upon us and our competitors alike. I am in sympathy with Mr. Mitchell's statement that the miners will never be satisfied and there is a certain kind of unrest which exists. Now, that helps and ought to continue. And the condition of the laboring man in the years to come will be better. What I complain of is the exactions that interfere with our efficient management of the properties and that cost us money; that don't give the miner any practical result, that don't add to his earnings nor make his conditions of employment appreciably better, but do add to the cost and the imposing of conditions upon us and the conditions that trouble us every year more than the rate. We pay the highest rates. We tell the miners so. The east settle the scale first and we take it. We tell the miners so in advance, whether it is up or down or stationary. That is not the controversy in Illinois except in localities in the adjusting of the State scale. The controversy is about conditions, conditions that add to the cost of production, increase in costs that are covered. If we pay the miners 3 cents advance a ton, mine run, we know how much correspondingly it adds to the labor, we know how much the increase cost, that is, to our output, we are able to convince the railroads that we are paying so much extra cost and we transfer that to the consumer and we should; but the thousand and one advances that you can not convince the consumer of, that you can not even measure yourself until after, are gradually putting Illinois out of business.

Mr. THOMPSON. Could you state these encroachments, could you classify these encroachments without naming a thousand and one? Do they fall in certain classes?

Mr. BENT. If I looked at the contract—take them up one after another. You take this question of cleaning coal, for one. Our business is dependent upon the making of a merchantable product, and the miners, while we want to clean the coal, object to the process. I noticed the other day men were docked for dirty coal by the mine manager—by the man in charge—and those docks were

officially canceled because the contract specified that only a certain man designated by the operator as inspector can impose a dock. They have sought to prevent that man from inspecting the coal, except in one place, under certain specific conditions. We struggled over that question quite at length at Peoria. Instead of trying to make the situation efficient to us, anywhere and everywhere they oppose it; every inch of ground is contested, and that is very representative of what I speak of.

Mr. THOMPSON. Could you send in to the commissioners, in written form, at some later date, an anlysis of these encroachments, as you call them, by the union, classifying them if you can?

Mr. BENT. Illustratively; yes, sir.

(The information requested was later sent in and is printed as Bent Exhibit No. 4.)

Mr. THOMPSON. Do unnecessary restrictions and limitations have the direct result of preventing possible wage increases?

Mr. BENT. May I have that again?

Mr. THOMPSON. Do unnecessary restrictions and limitation of output have the direct result of preventing possible wage increases?

Mr. BENT. Yes, sir.

Mr. THOMPSON. Going back, Mr. Bent, to the machinery which you say you have lately perfected in this State for adjusting of grievances, how is it that Illinois has reached that state of development in the adjustment of industrial troubles and in Colorado and Michigan they have no such thing, and apparently are making no attempt toward the inauguration of such machinery?

Mr. BENT. Miners licked us in 1897, and the other thing followed. That is one answer. And they have not yet licked the employers in these other States. But that does not mean that a large proportion of the coal operators to-day are entirely friendly to collective bargaining, but, if conducted in a businesslike way, we very much prefer it to the other way of doing business. I think nearly all are converted to it. I speak freely, because I and my father before me were always in favor of it. We had the first recognized union in the State and the first written agreement made with a committee in this State. Some modifications and some of those provisions are in the present contract; so I have been always in favor of it. I do think, however, that there is a great deal to be said in defense of the position of the operators of Colorado and West Virginia and metal men of northern Michigan. In Colorado, as I understand it, there has been almost an equal disregard of law on the part of both operators and miners. One abuse had led to another. We will never know who started it. We do know what organized labor did out there, but I think employers having unorganized labor knew two things, truly or falsely, and the first is they do stand for or will not prevent disorder and destruction of property; and, second—just a moment; I will have that in just a moment—they look to the experience in the organized fields to see whether this is the businesslike method that gets results that organized labor says it does, and we regret to say that—what they learn about it; the ease with which we transact our business—it is not very encouraging.

Mr. THOMPSON. You have said, Mr. Bent, that you believe in the theory and in the practice of collective bargaining?

Mr. BENT. Yes, sir.

Mr. THOMPSON. What is your opinion with reference to collective bargaining in connection with the union as we have it to-day; that is, the international union in an industry? Do you look upon that as being a good plan or a poor plan or the best plan?

Mr. BENT. It varies in different industries. I have already stated that I did think the plan was a little better than to not have it; in some industries I feel that employers are justified in refusing to have anything to do with it. In other industries I think it is very much better. I think it would be very easy indeed, if the miners could make a few changes, to make it a most excellent thing. I think in Illinois we have got the machinery perfected, and machinery is to be proposed by the miners and ourselves both; and if they would correct weaknesses in their own organization so that the national organization had some control over the State, and so that the officers of the State and their executive board had reasonable control over their men, and so that instead of doing as they have that they would have responsible representatives, as they had a few years ago in the days of Mr. Mitchell, that he could get most excellent results. We are not disagreeing with the miners' leaders. They are able to do what they think is right and best. We conducted a young ladies' semi-

nary at Peoria for six weeks when there was no substantial disagreement between us and the miners, national and State officials, at the beginning. We did that on the basis of the miners' policy committee. But the miners elected their scale committee, and a lot of them were uninformed; a lot of them have the making of good men, and will be good men in time. We proceeded to educate them, and they did not go to the convention to vote until they were educated. That should not be.

Mr. THOMPSON. Do you believe unions should be financially responsible for breach of contracts or infliction of unlawful injuries?

Mr. BENT. Yes, sir. I would like to add that I have the warmest respect and admiration for many of the miners' leaders. Yet the best of them have to bend to the storm. The State officials, as I understand it, are elected for one year, and they are hardly more than in office until they have to have one regard for their reelection. Men that they consider incompetent will take their places. We can rarely settle the simplest of questions before miners' elections.

Independent action occurs more often, and so the whole machinery is blocked before each election and the election comes around often.

Commissioner O'CONNELL. I did not quite catch what you meant by running a young ladies' seminary.

Mr. BENT. I meant instead of meeting their business men, miners, leaders of this thing, we took men from the mines that had never met before, that had never negotiated a contract before, who were not familiar with the reasons entering into the existing provisions of the contract, and we spent six weeks convincing them that they were the very provisions and the best that could be done.

Commissioner O'CONNELL. You were simply schooling them?

Mr. BENT. Schooling them.

Chairman WALSH. That is just a pleasant name for it?

Mr. BENT. Yes; for an unpleasant fact.

Mr. THOMPSON. What is the reason the biennial negotiations for wage settlement are delayed until such a short time before the expiration of the contract, that the uncertainty and apprehension of whether there will be a contract or not causes undue storing and speculating in coal?

Mr. BENT. For that very reason we have sought to have the negotiations begin earlier and be disposed of before there would be any coal stocking, but have failed completely. In 1908, I think, there was a miners' meeting which asked for an appointment at an early date, and they began marking time, and we did not understand it at first, but finally found out that they had no authority to negotiate even a tentative agreement. They had to adjourn until after their interstate conference.

Mr. THOMPSON. Why are not negotiations taken up, say, six months before the expiration of the contract?

Mr. BENT. I know of no good reason why, except the miners' refuse.

Mr. THOMPSON. Have the operators ever tried to bring this about, and why did it fail?

Mr. BENT. The operators of Illinois have tried to do so, and I think the operators of other States. The miners are not prepared to meet us that way they say until after their international convention. They set their meeting of the international convention so late that going into session immediately afterwards, we have this condition every two years.

Mr. THOMPSON. Is there anything more you wish to say about the check off of union dues and the effect the practice has, if any, in turning a normally open shop into a closed ship? What effect has it upon the fair equality or advantage in contract making?

Mr. BENT. I think the check off has given Illinois a colsed shop absolutely, under open-shop contracts.

Commissioner O'CONNELL. Is not that generally the condition?

Mr. BENT. I think it is very common, but the check off is what has done it in Illinois in the mining industry.

Commissioner O'CONNELL. Does not the contract method for open shops result in the closed shop?

Mr. BENT. I am not an authority, but I think it must be so, but it has proven to be so in our State. I attribute a great deal of that to the check off. I presume one-third of the miners in Illinois pay the check unwillingly.

Commissioner O'CONNELL. The check off is imposed on how many employees who do not submit cheerfully to it but only because they fear the results to themselves if they do not submit?

Chairman WALSH. He said one-third submitted unwillingly.

Mr. BENT. Yes, sir.

Commissioner O'CONNELL. What, in your opinion, would happen to men who refused to submit or attempted to work nonunion?

Mr. BENT. Their discharge would be demanded and work interrupted if they were not discharged. We have never made the attempt of late years. I am not objecting to a limited check off, but just pointing out what its effect has been. I would like to say a word more in regard to collective bargaining.

I believe in collective bargaining. In order to have it successful the two sides ought to be of approximately equal strength; then justice will be done. I don't think it is fair to say that the operator is benighted that won't consent to collective bargaining, and held up to public condemnation, if the employees can alternatively bargain collectively and then abandon the system. The miners four years ago, when they could not make a contract—they admitted that the contract offered was more favorable than other States—we had one association at the time and they demanded a contract that imposed additional demands, and we refused them, and we had a four and a half months' strike, and in order to win that strike they offered the contract to one district to withdraw from our association and sign up, and offered it to individuals, and so weakened our association we don't meet on anything like equal terms since. There are three associations in the State and a lot of unorganized operators, and I say if the miners are asking for collective bargaining they should accept collective bargaining. Because we had a temporary disagreement for a few days, the fact that it can't be arbitrarily disposed of is no reason why a permanent arrangement should be set aside and guerrilla warfare established. It is exactly the same thing as if the operators should import men and try to open up the mines, which we don't attempt at all. We abided by the collective bargaining, even in the four months' strike, which the miners did not. There has nobody worked harder than Mr. Walker to secure an agreement, but after we had been there six weeks he said that if an agreement could not be reached with the three districts in the whole State he knew there were operators in the State that would sign up, and I protested against that method.

Mr. THOMPSON. In regard to the secession of the St. Louis operators—that district—the trouble there was that the employers didn't stick by their union; isn't that true?

Mr. BENT. Yes, sir. Are we to attempt all the time to induce members of a mine workers' union of Illinois not to stick by their contract, or are we to foster their union and they to foster ours, or at least keep hands off?

Mr. THOMPSON. You said you agreed with Mr. Walker's suggestion for a board composed of operators and miners and public representatives, having for its purpose the preparation of contracts. In your opinion the mine operators would fare better under such arrangements while the conditions you complain of exist?

Mr. BENT. No, sir; I think that the miners' organization in one way or another must be made responsible, financially or otherwise. When they can meet us anywhere on the face of the earth on the basis of equality, then I believe Mr. Walker's plan would be effective. It would do some good even now.

Mr. THOMPSON. In your pursuit of the industry of coal mining and dealing with labor for many years you have given some consideration, I take it, to the question of industrial unrest?

Mr. BENT. Yes, sir.

Mr. THOMPSON. What in your opinion is the cause of the industrial unrest, if such exists, and what do you think should be applied as remedies?

Mr. BENT. As I said before, I think part of the unrest is perfectly normal and healthy and will always exist. Some of it, I think, is due to evidence of recent years, exploitation on the side of capital and a feeling that they are victims of it. Part of it is due to new social ideas that are being promulgated. I think part of it is due to a new-found and unrestrained strength in organization, and finding out what organization will do for them, and new desires so created, and that these demands pass all reasonable bounds.

Mr. THOMPSON. Mr. Drew wants me to ask you whether or not you consider the envy the man who hasn't anything has for the man who has something is not the cause of a great deal of unrest?

Mr. BENT. Yes, sir.

Mr. THOMPSON. You spoke some time ago with reference to your belief that the operators and the miners, I take it, should be permitted to make certain agreements now prohibited by law with respect to the industry—agreements

which would be called in restraint of trade now. Generally and briefly, what are the agreements you would like to see made?

Mr. BENT. I did not have anything particularly in mind, except that anything that would relieve the present situation of destructive competition and leave a fair margin, so that people could live and let live. Whether a direct price agreement with the right of some Government board to disallow them—a power similar to the Interstate Commerce Commission—would be a proper solution or not, I don't know. That would help. The legislature of Illinois amended the antitrust act for that very purpose when the mining industry was in its present situation, and provided a proviso that the law should not apply where either the intent or effect of the price agreement was to either maintain or advance wages, but the year of the anthracite strike the law was tested and held to be unconstitutional.

Chairman WALSH. Is that all, Mr. Thompson?

Mr. THOMPSON. Just one more question.

Is there any importation of miners into Illinois by coal operators?

Mr. BENT. No, sir.

Mr. THOMPSON. Is employment in mining freely open to men coming to Illinois from other States?

Mr. BENT. Yes, sir. I would like to say a word in that connection in regard to immigration. One of the great questions that we face in Illinois and other States, both the miners' organization and ourselves, is the large influx of non-English-speaking miners from southern Europe. Not speaking the language, neither the employer nor the miners' organization can reach them effectively. Oftentimes a man that translates to them mistranslates, and wherever there is an undue per cent of men of any one non-English-speaking nationality in a mining camp, there is a condition of disregard of mining contracts, and an equal menace to the mining organization and ourselves. Whether the remedy is to still further check immigration, whether the per cent from certain countries should be limited to the per cent coming in the past or not, I don't know. I have no well-defined view as to whether immigration should be stopped for a time or not. But I do feel it is a menace for a large number of men coming to this country without knowing anything about our institutions, knowing nothing about orgaized labor, and knowing nothing about society—if suffered to go en masse to the mines of any State, as they are doing in Illinois, they will be a danger both to the miners' organization and the operators.

Mr. THOMPSON. So far as you know, the operators have not been bringing these people into the country?

Mr. BENT. So far as the operators of the Middle West are concerned they are not at all responsible. I have heard it charged that the operators in the East were, and I have no reason to believe it. We take the men offered, and most of us give preference to the English-speaking and skilled men, but when they are not offered we take the best we can get.

Mr. THOMPSON. But whether the operators in the East bring in these men or not, you have no knowledge?

Mr. BENT. I have no knowledge.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. One of the questions asked you was this: Is not one of the causes of unrest the envy of the man who has nothing of the man who has. In your experience, is or is not that envy often justified?

Mr. BENT. Sometimes it is and sometimes it isn't often justified.

Commissioner GARRETSON. It is an even break?

Mr. BENT. I am not condemning his envy.

Commissioner GARRETSON. Oh, no; but I want your experience on the subject.

Mr. BENT. My experience in the early days was that the employees got the worst of it. My experience in the latter years in Illinois is that the operators got the worst of it.

Commissioner GARRETSON. You speak of the growing responsibility on the operators in their relation to the public. Is there really a moral sense of responsibility quickened, or is it good business foresight, for fear of legislation and regulation?

Mr. BENT. I think both moral and good business judgment, but not because of fear of legislation, because there are two things we want—the light thrown on the subject and legislation.

Commissioner GARRETSON. Accompanied by regulation?

Mr. BENT. Yes, sir.

Commissioner GARRETSON. Then it is a blending of morals and good business?
Mr. BENT. As all human things are.
Commissioner GARRETSON. That is all.
Chairman WALSH. Anything else? That is all.
Call your next witness.

TESTIMONY OF MR. DUNCAN McDONALD.

Mr. THOMPSON. Give your name.
Mr. McDONALD. Duncan McDonald.
Mr. THOMPSON. Your business address.
Mr. McDONALD. Springfield, Ill.
Mr. THOMPSON. And your occupation.
Mr. McDONALD. I am secretary-treasurer of the United Mine Workers of Illinois.
Mr. THOMPSON. How long have you been in that position?
Mr. McDONALD. Four years past, in April, but previous to that time I held other positions with the organization.
Mr. THOMPSON. For how many years?
Mr. McDONALD. For all told, 12 years.
Mr. THOMPSON. And you are pretty fairly familiar with the operation of the organization in the coal fields of Illinois, I take it.
Mr. McDONALD. I am supposed to be or ought to be from the experience that I have had.
Mr. THOMPSON. Have you heard the testimony here this afternoon of Mr. Bent?
Mr. McDONALD. Yes, sir.
Mr. THOMPSON. What have you to say in regard to the relations between the employers and employees in this country?
Mr. McDONALD. Well, I feel this way about it, that so far as the relationship between individuals is concerned they are very friendly. Naturally, there is a clash of interests between the two sides, because each side is trying to drive just as hard a bargain as they can and to get the best out of it.
In that connection I might say that some of the employers are not as loyal to the association nor true to carrying out the contract as they should be. Some of the coal companies violate the contract every day in the week.
Mr. THOMPSON. Does your organization seek, or did it four years ago seek, to get coal operators to desert their organization and make individual contracts with your union?
Mr. McDONALD. During the time of the 1910 strikes, after we had failed to reach a contract with the coal operators' association, a great many independent or individual coal operators came to us and volunteered to sign our contract if they would be permitted to work.
In one instance a number of employers came at the same time, representing, I believe, or employing about 15,000 or 18,000 men, and said they would sign our contract if we would make a contract with them, which we did, and as a result they pulled away from the coal operators' association and signed our contract and the men went to work.
After that we signed with anyone who would sign the contract. The operators used what influence they could to prevent the operators from—or the association, rather—sought to prevent individuals from signing the contract. And in one particular instance in the city of Chicago, where one coal operator resided who was in business here, a committee called on him every day and insisted that he should not sign the contract.
The man happened to be in the hotel business in this city, and he finally decided to sign the contract anyway. And he told me afterwards that the operators had boycotted his hotel because he signed the contract, and the president of the association was stopping there at the time and he took his grip and left the hotel and said that he would never stop there any more.
Mr. THOMPSON. During that time do you know whether or not the operators' association sought to get your members to go back to work individually?
Mr. McDONALD. No, I don't; except in a few isolated instances. But they were not successful.
Mr. THOMPSON. Comparatively, has the operators' association shown more respect for your organization than your organization has for theirs?
Mr. McDONALD. Well, I might say yes, and it is not because they like our organization altogether; but it is because we have a thorough organization in the

State. We are not responsible for the fact that their association has disintegrated and broken up into three different associations.

I am told by the representatives of two of the associations that the reason they left the association was because it was dominated largely by railway interests and they were simply pawns in the game and were not able to take care of their business in competition with the railroad business.

Mr. THOMPSON. Did you hear what Mr. Bent had to say with reference to the institution of machinery for arbitration and conciliation in this Satte?

Mr. MCDONALD. Yes.

Mr. THOMPSON. Is there anything that you would care to add to what he said in that respect?

Mr. MCDONALD. Nothing, except that Mr. Bent and myself are primarily responsible, or in a large measure responsible, for working out this plan that he suggested.

Mr. THOMPSON. And the rules and regulations which has been handed in to the commission are the ones that——

Mr. MCDONALD. Are the agreed rules; yes.

Mr. THOMPSON. Are the agreed rules and give such data as can be given in regard to the operation of that machinery; I mean, give such information as is necessary to understand it?

Mr. MCDONALD. Why, we have had so many disputes arising out of the fact—largely because of the fact that our work is nearly all piecework. That is, there is the tonnage price paid for mining the coal, and the different prices paid for different classes of work. Naturally, there are a great many disputes arising out of that. As the result of these disputes and the slow method, or the long drawn-out method that we had of arriving at a solution, we have decided now to try to work out an arbitration scheme that will prevent disputes pending for such a length of time and find a means of more quickly solving those questions. The arbitration commission, as he has stated, was agreed to by the representatives of the operators' associations and our organization. It contemplates having both sides directly represented by one man on each side and three disinterested parties, who will be perfectly familiar with mining and yet have no connection with either side. The powers of the two direct representatives will be to select—or the authority will be theirs—to select from the three independents either the three independents or any one of the three in arbitrating a dispute.

Mr. THOMPSON. Is there any other thing you would like to say, Mr. McDonald, now, with reference particularly to the industrial conditions existing in the Illinois coal fields other than what has been said by Mr. Walker and Mr. Bent?

Mr. MCDONALD. Well, the industrial conditions in Illinois now in the mining industry are the worst that I have ever known in my experience. There are more idle men in Illinois this summer than we ever had before. Scarcely a day goes by, or in fact every day, there are some 50,000 out of employment in Illinois in the mining industry alone. The same men are not idle every day. They may get a day's work this week and perhaps a half day's work next week. But as a general proposition since the 1st of April we have had approximately 40,000 men idle all of the time, and 20,000 others idle a greater portion of the time.

Mr. THOMPSON. To what do you attribute this condition—the slowing down of business or any special reason in the industry?

Mr. MCDONALD. Well, I think there are a number of reasons that contribute to this. In the first place, there is a very general industrial depression; and in the second place, so many of the railroad companies and other large concerns that have developed coal fields in Illinois are now mining their own coal, getting the same at cost, where formerly they bought their coal from the independent coal operators. As the result of this, these large mines and the old mines still in operation, we now have equipment in Illinois and enough men to supply three times the amount of coal that normally is demanded. I think that is one of the prime reasons for the present condition.

Mr. THOMPSON. What remedy would you suggest for this last condition you have spoken of?

Mr. MCDONALD. I know of no remedy, except the people or the Government or the State; the public will take over the industry and regulate it in such a manner that we won't have six mines where there is only business for one.

At the present time I know of no law that will prevent men from investing their money in mines and developing them if they see fit. We have now several companies in the State who are sinking new mines, notwithstanding the fact that there is no work now for more than a third of the men, and the equipment is either running one-third of the time or one-third of it is idle all of the time.

Mr. THOMPSON. Did you hear the suggestion of Mr. Bent with reference to that subject, and how he thinks it could be handled?

Mr. MCDONALD. In reference to the German law?

Mr. THOMPSON. The German law, yes; and, in fact——

Mr. MCDONALD. Yes. I personally favored that before the efficiency commission in Springfield a short while ago. But the fear I have is that it requires so much time to put into operation the law that he suggests that it is going to be a long time before we arrive at results.

Mr. THOMPSON. What other quicker method could be adopted, in your opinion?

Mr. MCDONALD. Well, to be candid, I know of no immediate remedy for the situation. The fact that practically all of the railroads coming into Illinois, or a number of them, are now mining their own coal, and each mine that they sink is a large mine usually having from three to four thousand tons capacity, naturally displaces three or four or five of the smaller mines having an output of from 300 to 1,000 tons a day. And as a result of this the old mines are still there, the miners are still there waiting for the whistle to blow for work, and the companies that are developing these new mines require a large force of men, which they are bringing in or encouraging to come in from other States and furnishing them employment.

Mr. THOMPSON. Is there anything further you would like to say about the conditions in the Illinois coal fields?

Mr. MCDONALD. I feel this way, that under the present arrangement, largely by reason of the competition between the companies in this State and the companies in other States, there is a very great waste in the present method of producing coal. Some of the mines in the State are only getting out approximately 60 per cent of the coal, where in reality they should get out at least 90 per cent of the coal. There is a great waste in the resources of the country in that way. This is due, I believe, in large measure to competition and the desire to get profits as early as possible after the mine is sunk, and the desire to get the coal as cheaply as possible, without regard either to the product or to the welfare of the miners employed in the mines.

Mr. THOMPSON. Referring, Mr. McDonald, to the unions and their organizations—to yours as well as others—they are considered by the people in them as democratic institutions, are they not?

Mr. MCDONALD. I think so; yes.

Mr. THOMPSON. There is an opinion prevails among a certain portion of the public that in many instances, by reason of political methods used in the elections, that the unions get into the hands of a certain ring or party of union politicians. Have you yourself seen any evidence of that character in the union?

Mr. MCDONALD. That does not prevail in the miners' organization, for the reason that the mines are scattered over a vast extent of territory and each individual has a right to express himself in the nominating of any candidate for office in the organization. We have the complete initiative and referendum in the matter of election of our officers. Every individual is given a ballot, and they nominate and elect under the Australian ballot system. Each man is permitted to nominate who he pleases, and is also permitted to vote for who he pleases. We have a penalty in our law that prohibits anyone from interfering with elections, and we try in every instance to enforce that penalty.

Mr. THOMPSON. The expression of the will of the individual in a union is a very important matter, is it not?

Mr. MCDONALD. Yes, sir.

Mr. THOMPSON. And it should be safeguarded in any way that the experience of men shows should be used?

Mr. MCDONALD. Yes, sir.

Mr. THOMPSON. Just the same as in the expression of the will of the people at the polls in State matters?

Mr. MCDONALD. Yes, sir.

Mr. THOMPSON. And you see no reason why methods which may be used practically that are used in State matters should not be used in protecting the ballot in union matters?

Mr. MCDONALD. The same methods are employed, and particularly in the local union of which I am a member. We have our own hall, and on political election days they rent our hall as a polling place. On the miners' election day we borrow from the election commissioners the booths used in the general election, and they are used there in the same manner, and the judges are selected in the same manner, and the same instructions are given.

Mr. THOMPSON. What is your opinion about the State itself making regulations, perhaps governing the carrying on of elections in union matters?

Mr. MCDONALD. You mean the State government?

Mr. THOMPSON. The State government passing laws, for instance.

Mr. MCDONALD. Well, I feel that the State government could well afford progress along that line in their own elections before they go and attempt to regulate the affairs of someone else.

Mr. THOMPSON. Well, assuming that the State, that the present primary law is a good one, and we generally understand it is because it was followed apparently by the Progressives, etc.—would such a law, if passed by the State for the purpose of having relation to labor unions, be a good or bad thing?

Mr. MCDONALD. Personally I would not have any objection to the State having some regulation over the unions if the State itself had clean skirts in this matter. But I do feel that in the past in a great many instances political parties have dominated the situation, and I fear that if they were given the right to legislate on the matter of how the miners should conduct their affairs, they would legislate in a manner that would redound to the credit of the political organization, perhaps, and attempt to corral the vote in that way. For that reason I am opposed at the present time to the State enacting such legislation.

Mr. THOMPSON. For fear you may not have got my idea, Mr. McDonald, I don't mean that the State should supervise the elections and appoint the officials, but just pass these laws like the primary law, which should be used by the unions themselves in carrying on their elections.

Mr. MCDONALD. Personally I haven't any objection to that being done, because it has been my desire ever since I have been connected with it to see that every individual is given the full right of expression, whether it is for or against myself or anyone else. In fact, complaint has been made in some instances that we have carried our democratic institution just a little too far, and as a result didn't have the responsibility that we should have otherwise. For instance, men have been elected that weren't very well known to the membership, and they themselves attempted to remove them from office afterwards on the ground of inability. But I am willing to agree to any plan that will give the worker full right to express his views on matters connected with the affairs of the organization.

Not only do I favor that in the election of the officers, but before a general settlement is made or a strike is declared, we submit the matter to our membership by referendum vote to determine whether or not they will accept the contract or go on strike.

Mr. THOMPSON. I take it, Mr. McDonald, in your capacity as a union official, having your attention practically all the time directed to the industrial problems, you have some views with reference to the industrial unrest, if any such exists, and remedies for it. I would like you to state briefly, if you can, your opinion about the unrest, if it exists.

Mr. MCDONALD. There is a very general feeling of unrest, has been for some time, but it seems to have become intensified this year. In the first place, as I said, we have thousands of men who have been unable to obtain employment since the 1st of April. Generally during the winter months the men get reasonably steady work, and it enables them to lay up a few dollars for the coming summer. Last winter many of the miners did not average more than two or three days a week. As a result they were not able to provide anything for the future. Then since the 1st of April the mines, many of them have been closed down. Men are out of employment. They are unable to get the necessaries of life in some instances. We are now using quite a large fund that we had accumulated in the organization, to take care of the most needy cases. We have expended this summer in the neighborhood of $100,000 to relieve the distress of our own members, and will probably be obliged to spend another $100,000 before conditions improve.

The men knowing, realizing that some others are doing better than they are, naturally feel dissatisfied. Not only that, but the average wages of the miners of the State of Illinois for a number of years has approximated $500. There is not any man who can pay his way and maintain a family with the present high cost of living on $500 a year and live in a comfortable home. A great many of the men have been reading some governmental statistics that were published some years ago showing that under ordinary circumstances a man should have something over $700 to maintain himself and his family. Now, we have only received, on an aggregate, about $500 a year, and it takes $700 to exist; it is

pretty hard to induce that fellow to believe that he is happy and contented under those circumstances. Naturally, there is a very great deal of unrest. And I presume that will continue until some other solution is found for the present industrial conditions than we have arrived at up to this time.

I might say in this connection that as a result of the overcrowded condition of the mines in some instances there has been a very outspoken tendency toward regulating immigration. Men that have been here for a great many years feel that the other fellow should not be allowed to come. In some places that feeling has grown to considerable proportions and there is some little feeling between the nationalities on that account. They feel, some of them, that if the immigration had been restricted some time ago the present situation would not be as acute as it is now.

Mr. THOMPSON. Do you think, Mr. McDonald, that the wages of the miners in this State could be increased from $500 to $700, in the face of the conditions that have been stated by Mr. Bent and Mr. Walker?

Mr. MCDONALD. Do I think they could be increased?

Mr. THOMPSON. Yes; could the industry still survive?

Mr. MCDONALD. The industry could still survive, and the wages could have been increased by decreasing the number of miners employed—and if we had less mines operating—so that those which are at work could have more regular employment.

Now, Mr. Walker neglected to qualify that statement by saying that that is true so far as the day-wage rate concerned. There has been an increase, it is true; so far as the tonnage rate is concerned, there has been an increase. But the fact remains that the annual average earnings of the miners is about the same as it has been for many years. For instance, a few years ago the average number of days of actual mine operation was 225 days a year and upward. The last year the coal reports showed 170 days, and the coal reports that will be published shortly will show that it will be less than 150 days of actual operation. Now, these days of actual operation are not full days of eight hours. For instance, the mine may run two hours, and in that time they will get sufficient coal to fill the cars that are on the track, and when the two hours are up the men are sent home. There is no more work that day. The next day they may work four hours or six hours. As they are working at the tonnage rate or by the hour rate, their pay stops the moment the mine stops operating, so that in reality they do not get 170 days of actual operation on an eight-hour basis.

Mr. THOMPSON. What remedy, or, what other remedy, would you suggest to relieve or lighten the unrest in the industrial world than you have stated?

Mr. MCDONALD. Well, I do not think there is a possibility of eliminating entirely the unrest until the worker is given—I want to agree with Mr. Walker in this regard—until the worker is satisfied that he is getting the portion of wealth that his labor creates. Unfortunately, now, some of the miners don't know actually who they are working for. The stockholders of the concern may be living in New York or they may be living in London. They are not at all familiar with his conditions. They are not particularly interested in his conditions. But they are interested in knowing how much money they can make on the actual capital, of getting their interest on the paper values that have been used quite freely in mining ventures, the same as they have in others. Now, the miner does not feel inclined to be entirely satisfied where he can see some employer of labor that does not work any longer hours laboring than they do, and he sees him riding around in an automobile when they can not afford the price of an ordinary railroad ticket. They feel that as they are the actual producers of the welfare of the concern that they should share in the wealth of the concern in proportion that they are creating it. Until that time arrives it is going to be a hard matter to satisfy with regard to having them in any way content.

Mr. THOMPSON. Have you in mind any temporary devices or methods by which the unrest may be ameliorated?

Mr. MCDONALD. We are endeavoring to work out the solution of one of our troubles now by establishing cooperative stores in the State of Illinois on the same principle that they are operated in England and other European countries. The men have been required to pay exorbitant prices for their goods in the outlying mining communities in a number of places. Now, in a number of places we have established cooperative stores, with a view of cutting down the cost of living and giving the miners their share in the operation of the institution. We have a number of these stores operating—in two particular instances to my knowledge—that have paid to the stockholders, who are miners, dividends

ranging from 8 to 12 per cent per quarter. In other words, from 32 per cent to 36 per cent per annum. That is one step that we have taken with a view of trying to reduce the present high cost of living and make it conform more nearly to the earnings of the miner. There is a very strong desire on a part of the miners to establish the cooperative store system throughout the State. And some of them hope and feel that with the cooperative store would be operating a cooperative mine.

Mr. THOMPSON. What, in your opinion, do you think this commission could do or could recommend, say, that would help lighten the burden?

Mr. MCDONALD. I feel that steps should be taken to curb the operations of the large railway concerns that are gradually absorbing all the coal properties of the State by reason of their control of the coal mines and getting their coal at absolute cost. They are requiring the other operator, they are in position to require the other operator who expects to sell his coal to sell on the cost basis, or nearly so, or he can't get any business from the railroad company. I think that they should not be allowed to dictate the price of the product, which they are doing now.

I think steps should be taken to in some manner for the Federal Government to have authority to prevent the sinking of new mines until there is an actual demand for the coal.

Steps should be taken to prevent the great waste of the natural resources which takes place now.

Now, in this connection I feel that if it were not for the State's rights proposition we could secure Federal legislation regulating the mining industry of the United States, and it would go a long ways toward eliminating the present difficulties that we meet.

For instance, Mr. Bent has complained of the competition from other States and the prices that prevail there. The complaint is well grounded. In Kentucky, where the miners are not organized, they are mining coal much more cheaper than we are in Illinois. In the matter of legislation they have practically none there to protect the miners' lives. That is largely true in West Virginia. The result of that is that the loss of life in West Virginia is approximately five times as great as it is in Illinois. There is no miners' organization there to champion the mining legislation. And as a result, they are compelled to pay for it in the loss of life—in the miners' lives in the mines. If there was any method by which we could enact Federal legislation that would apply to all of the mines of the United States and strict enforcement of it, it would be a long step in the way of solving the present problem.

Mr. THOMPSON. I am asked by Mr. Drew to put a question to you: What can you say as to the union opposition to new devices, machinery, or as to restriction of output?

Mr. MCDONALD. Our organization as an organization has never opposed the introduction of machinery. Personally those of us who have been connected with it officially, they favor the introduction of machinery if it is a labor-saving device. But at the same time we have endeavored to try to make an arrangement so that our men will not simply be thrown out of work as the result of the introduction of machinery. We try to make a rate for the machine, so our people can live under it.

In this connection, too, I might say we have not attempted to restrict the output in any particular. Some few of our members, perhaps, may at times have attempted to have done that. But as soon as it was discovered by the organization we have told them that it would not be permitted under our contract.

The only attempt we have made to resent this matter is where the company was trying to get along with too few mining machines, when in reality they should have had more, and they have attempted to crowd as many men after the mining machine to load the cars as they could get. As a result, the miners' wages were practically cut in two—perhaps in three—of what they should have. We attempted to have the number of men after the machine, so that their wages would not be materially reduced. But our object has been to try and arrange it in such a way that they would have as many loaders after each mining machine as they could reasonably take care of the whole cut by the machine. We have neither tried to prevent the introduction of machinery nor have we tried to restrict the output of the mine. In fact, I might say a little further, it would be folly on our part to attempt, in many instances, to regulate the amount of coal a man would load when he is paid for it on a tonnage rate. If he was working by the day, we might be able to manipulate that a little better.

Mr. THOMPSON. Is it not a fact there is opposition, both to the introduction of new machinery and devices restricting the output, even though it is not officially sanctioned by the union?

Mr. MCDONALD. I do not know of a single instance where the output has been restricted, except where the companies complain that they have not allowed them the number of loaders that they thought they ought to have for the machine, and we have tried to induce them to buy additional machines, so that they would not have that complaint. In some instances they did so, and in others they took the other method of working the machine day and night, in order to take care of the situation and eliminate the necessity of buying the machines.

Mr. THOMPSON. Do you think that both the union and the employer should be liable for breach of trade agreements?

Mr. MCDONALD. Under present conditions both sides are morally responsible for the carrying out of that contract.

Mr. THOMPSON. Do you think that there should be financial responsibility for their acts?

Mr. MCDONALD. I do not believe that I would care to assume a financial responsibility for the acts of men who in some instances have been encouraged to come here by certain employers who are not as familiar with our contract as they should be if these men violate the contract. Individually I would not want to hold the organization to account for that. I don't feel that the organization is.

Mr. THOMPSON. Where the organization itself breaks the contract, what would you say then?

Mr. MCDONALD. I have no knowledge of any instance where the organization itself broke a contract, not since my connection with it.

Mr. THOMPSON. What would be your view of financial responsibility, or what should be the financial responsibility in such a case?

Mr. MCDONALD. Well, I feel that if I were an employer and they would not carry out the provision of their contract I would want them to give some guaranty that they would carry out their financial guaranty. But what is true of the miners in that respect would be equally true of the employers. And members of the Illinois Coal Operators' Association to-day and of what is known as the fifth and ninth district associations to-day are violating the contract to-day. We are insisting on our men continuing at work even under the violation of the contract until we can get an opportunity to take it up.

I might point out the violation of contract. We have a clause in our contract, which you will find if you examine it, that provides that the advancing of money between pay days shall be at the option of the operator, and no commission shall be charged for cash advanced between pay days. Certain companies in Illinois, among them the O'Gara Coal Co., are to-day levying 10 per cent against the members for everyone they can induce to draw their money in advance, and they have the thing in operation, and it has been a violation of our contract. These companies are carrying on the same, although I want to say in behalf of the representatives of the operators' association that they have assured me time and again that they will not tolerate that condition as far as their association is concerned.

Mr. THOMPSON. Do you advocate closing some of the mines and working full time in the others?

Mr. MCDONALD. Under present conditions that would work a hardship upon the men who would be thrown out of employment. I would much rather that the arrangement could be made to distribute the work among the different mines, so that each of the men would get some reasonable share of the work done.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Delano would like to ask a few questions.

Commissioner DELANO. I wanted to ask one question: You made the statement, Mr. McDonald, that some of the members of this coal operators' association left the association, alleging the railroad domination. Do you know that of your own knowledge or just by hearsay?

Mr. MCDONALD. That is the statement they made to myself and to other representatives of the organization.

Commissioner DELANO. What railroad domination did you refer to?

Mr. MCDONALD. Well, they mentioned especially the Illinois Central Railroad, which operated under the name of the Madison Coal Corporation. They claimed

that it dominated the car supply along that road and were in a position to dominate prices in another way.

Commissioner DELANO. Any other railroad?

Mr. MCDONALD. I do not recall that they mentioned any other railroad specifically. They did refer to another company, a large company; that was the Peabody Coal Co.

Commissioner DELANO. That is not a railroad company.

Mr. MCDONALD. That is not a railroad concern, except that they have a small road and haul their own coal a short distance, as I understand it.

Commissioner DELANO. You would not call that a railroad?

Mr. MCDONALD. Not in that particular instance; but many other large railroad systems have their mines in Illinois, and mentioned the North Western and the Chicago, Milwaukee & St. Paul.

Commissioner DELANO. The North Western, I believe, are not members of the Illinois Coal Operators' Association?

Mr. MCDONALD. They are members of the fifth and ninth operators' association.

Commissioner DELANO. I wanted the commission to know exactly what you knew as to the railroad domination. Now, you have told about the Illinois Central. What others are there?

Mr. MCDONALD. The Consolidated Coal Co. is generally understood to be part of the Gould interests, and the Wabash and Missouri Pacific systems.

Commissioner DELANO. I can positively say it does not have anything to do with the Wabash now. I do not know as to the others.

Mr. MCDONALD. Well, I do not know how it is now. I understood the Wabash is in the hands of a receiver, but it was understood some time ago that was true.

Commissioner DELANO. Any others?

Mr. MCDONALD. The Rock Island Railroad operates a small property known as the Coal Valley Mines Co. Take the Chicago, Milwaukee & St. Paul, they operate the St. Paul Coal Co. mines.

Commissioner DELANO. Did they dominate this Illinois Coal Operators' Association, either of them?

Mr. MCDONALD. It was alleged at the time that these men withdrew from the association that the Madison Coal Corporation, the O'Gara Coal Co., which it was said was connected with the New York Central, and they mentioned the Consolidated Coal Co. at that time, that they were railroad properties and were dominating the situation. But the small operators have had no show with them in the association.

Chairman WALSH. Anything else? Any further questions? Do you want to ask any questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes. Mr. McDonald, what is the average number of days a year that the miner is engaged in working, taking the good and bad years together?

Mr. MCDONALD. That average number for the past five years would be approximately 175 days; that is, days that the mine works some. Some days they run two hours, some days they run four hours, and some days they run six hours. But about 175 days would be an average, I believe, for the last five or six years.

Commissioner O'CONNELL. That would be 170 full days in the year for each miner?

Mr. MCDONALD. Beg pardon?

Commissioner O'CONNELL. I wanted to get in the record the number of full days a miner works in a year and approximately the annual earnings.

Mr. MCDONALD. It would be impossible to give the number of actual full days they operate, from the fact that the coal report does not give the hours' work; it simply gives the days' work. I am informed that that is not a full eight-hour day, simply the day the mine operates, so it would be impossible to give that.

Commissioner O'CONNELL. There is an eight-hour law in this State—eight hours constitute a day's work?

Mr. MCDONALD. We have that by agreement.

Commissioner O'CONNELL. Approximately in your mind what is the number of eight-hour days a miner works in the State of Illinois, annually?

Mr. MCDONALD. I presume about 150 days.

Commissioner O'CONNELL. One hundred and fifty?

Mr. MCDONALD. Yes.

Commissioner O'CONNELL. What would be his annual earnings?

Mr. MCDONALD. Something over $500 a year.

Commissioner O'CONNELL. Then, the question raised by Mr. Bent that the opposition to efficiency systems, ideas, and so on, a justifiable reason for even consideration of such a thing would be the fact that the miners were practically out of employment all the time?

Mr. MCDONALD. Absolutely. We have, I might say in this connection, during the last year we had some mines that only operated 30 days and others operated 40 and others operated 200 days.

Chairman WALSH. Mr. Weinstock would like to ask one question.

Commissioner WEINSTOCK. How long have you been operating under the cooperative-store system?

Mr. MCDONALD. We are not operating as an organization, we simply incorporated our members and assist them to get started. We have had one store operating now for two years.

Commissioner WEINSTOCK. How many stores have you got?

Mr. MCDONALD. I think we have eight stores in operation now.

Commissioner WEINSTOCK. You have been operating them for two years?

Mr. MCDONALD. No; since that time. This one that I spoke of has been operating two years and since that time a number of others have been started.

Commissioner WEINSTOCK. What proportion of them have succeeded?

Mr. MCDONALD. In that time none of them have failed. They have all been successful.

Commissioner WEINSTOCK. What prices do you charge the members?

Mr. MCDONALD. You mean the prices they get?

Commissioner WEINSTOCK. Yes, the prevailing prices; do they charge the prevailing prices?

Mr. MCDONALD. They charge the prevailing prices. They do not cut prices to local merchants.

Commissioner WEINSTOCK. They simply rebate to the members the surplus?

Mr. MCDONALD. Yes.

Commissioner WEINSTOCK. In proportion to purchases?

Mr. MCDONALD. Yes.

Commissioner WEINSTOCK. Anybody can become a member?

Mr. MCDONALD. Anybody can become a member.

Commissioner WEINSTOCK. It is managed collectively by the members?

Mr. MCDONALD. Managed by directors selected from the stockholders?

Commissioner WEINSTOCK. That is all

Chairman WALSH. You had one question, Mr. Thompson?

Mr. THOMPSON. I have one question Mr. Bent would like to ask. Do you consider a 7-cent machine mine differential in Illinois at a 20.6 cents in Ohio a fair proportion?

Mr. MCDONALD. No, I do not. I want to agree with Mr. Bent on that, that a number of years ago we succeeded in fixing 7 cents as the price allowed for the machine in Illinois. During the time that price has been in effect machine mines in Illinois have increased wonderfully. More mines equipping and more operators have equipped their mines with machines each year. The 7-cent fixed difference between machine and hand mining in the other States, each of us, the operators have a higher differential or a higher price for the machine, and we have not been able to take it away from them or get them to agree to come down from the 7-cent machine differential.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all. Much obliged.

We will now stand adjourned until to-morrow morning at 10 o'clock.

(At 4.30 p. m. of this Wednesday, July 22, 1914, an adjournment was taken until to-morrow, Thursday, July 23, 1914, at 10 o'clock a. m.)

CHICAGO, ILL., *Wednesday, July 23, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Delano, Weinstock, Ballard, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Commissioner DELANO (acting chairman). The chairman has been unavoidably detained, and he has asked me to call the meeting to order. Mr. Counsel, will you call your first witness?

Mr. THOMPSON. Mr. Fitzpatrick.

TESTIMONY OF MR. JOHN FITZPATRICK.

Mr. THOMPSON. Will you give your name, please?

Mr. FITZPATRICK. John Fitzpatrick.

Mr. THOMPSON. And your business address?

Mr. FITZPATRICK. 166 West Washington Street.

Mr. THOMPSON. And your position?

Mr. FITZPATRICK. President of the Chicago Federation of Labor.

Mr. THOMPSON. For how many years have you been president of the Chicago Federation of Labor?

Mr. FITZPATRICK. About seven years.

Mr. THOMPSON. How long has the Chicago Federation of Labor been in existence?

Mr. FITZPATRICK. In its present form from 1896.

Mr. THOMPSON. And what form did it have before that?

Mr. FITZPATRICK. Well, it was the same organization, only under another name; it was the Chicago Trades Labor Assembly.

Mr. THOMPSON. The Chicago Federation of Labor is affiliated with the American Federation of Labor, is it?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. And holds a charter from that body?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. And what are its powers in the labor world, and what are its purposes?

Mr. FITZPATRICK. It is a federation of the various organizations of labor in the city of Chicago.

Mr. THOMPSON. What does the charter of the federation—what do the regulations of the American Federation of Labor, what power do they give to the organization as such?

Mr. FITZPATRICK. Of course the Chicago Federation of Labor is governed by the general laws of the American Federation of Labor.

Mr. THOMPSON. And your organization is to deal with the local situation in the labor world, organizations solely affiliated with the American Federation of Labor?

Mr. FITZPATRICK. Directly and indirectly.

Mr. THOMPSON. Directly and indirectly?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. But you do not deal, do you, with organizations which are not affiliated?

Mr. FITZPATRICK. No, sir.

Mr. THOMPSON. What control has the American Federation of Labor got over your organization?

Mr. FITZPATRICK. Control in issuing a charter to the Chicago Federation of Labor, recognizing it as an integral part of the American Federation of Labor.

Mr. THOMPSON. Assuming that you violated—your body violated—some of the rules and regulations of the American Federation of Labor which you say govern your organization, what powers of government or discipline has the American Federation of Labor over your organization?

Mr. FITZPATRICK. Nothing more than to withdraw the charter.

Mr. THOMPSON. Nothing more than to withdraw the charter?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. With reference to the Illinois State Federation of Labor, which because of its charter covers the territory which includes Chicago, how is the power or authority of those two bodies—that is, the Chicago Federation of Labor and the Illinois State Federation of Labor—divided? Did you hear the testimony of Mr. Walker in that respect?

Mr. FITZPATRICK. To some extent.

Mr. THOMPSON. Have you anything to add to or alter what he said?

Mr. FITZPATRICK. The Illinois State Federation of Labor is a branch of the American Federation of Labor, covering the State and doing the work in that capacity which the State organization is supposed to do. It does not conflict in any way with the operation of the Chicago Federation of Labor. The Chicago Federation of Labor is a part of the Illinois State Federation of Labor, and the organizations that go to make up the Chicago Federation of Labor also go to make up the Illinois State Federation of Labor.

Mr. THOMPSON. Does the Chicago Federation of Labor send delegates to the Illinois State Federation of Labor?

Mr. FITZPATRICK. Yes, sir.

Mr. THOMPSON. And they sit with the same power and authority and right to vote that the delegates do from unions?

Mr. FITZPATRICK. Yes; they have the right to vote and take part in the deliberations.

Mr. THOMPSON. What organizations in Chicago are affiliated with your body? First, are all of the unions which are affiliated with the American Federation of Labor that have locals here affiliated with your body?

Mr. FITZPATRICK. Not all. The Chicago Federation of Labor is made up of some 260 labor unions.

Mr. THOMPSON. What class, if there is a class, of labor unions are not affiliated with your body that still are affiliated with the American Federation of Labor?

Mr. FITZPATRICK. There is no particular class. There is a local here and there that does not see the necessity of being a part of the Chicago Federation of Labor and stays out.

Mr. THOMPSON. Are the building trades affiliated?

Mr. FITZPATRICK. I think a large portion are affiliated with the Chicago Federation of Labor.

Mr. THOMPSON. There is also a building-trades council, or somebody by that name?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. Is your organization related to that body?

Mr. FITZPATRICK. No; that is a group of trades engaged in the building industry, and they get together for their own mutual benefit and protection and transact their business pertaining to that organization and take that work out of the Chicago Federation of Labor.

Mr. THOMPSON. Your body holds meetings how often?

Mr. FITZPATRICK. Twice a month.

Mr. THOMPSON. At which delegates from the different unions attend?

Mr. FITZPATRICK. Yes, sir.

Mr. THOMPSON. And are the resolutions passed at such meetings the governing power of your body? I mean are they to be given power, or do you have your constitution and by-laws, which are superior to any resolutions passed by your meeting?

Mr. FITZPATRICK. We have a constitution and by-laws, and, of course, that is the fundamental law of the federation.

Mr. THOMPSON. Would you mind giving a copy of those to the commission?

(The paper so presented was marked "Exhibit No. 1, Witness John Fitzpatrick, July 23, 1914."

Fitzpatrick Exhibit No. 1, "Constitution and by-laws of the Chicago Federation of Labor," adopted December 6, 1896, including the amendments, was submitted in printed form.)

Mr. THOMPSON. What part does your organization take in the labor movement in Chicago, both in times of peace and times of conflict, such as strikes and lockouts?

Mr. FITZPATRICK. When the Chicago federation is called upon to take part in a matter of that kind it exerts itself to its fullest extent to bring about an understanding between the contending parties.

Mr. THOMPSON. State in your own language briefly a history of the activities of your organization as you have conducted it.

Mr. FITZPATRICK. Well, of course, the Chicago Federation of Labor is interested in seeing that the city ordinances are enacted which will protect the interests of the workers. That where ordinances are presented that are unjust to the workers, that they are opposed, and also in the State legislation. We cooperate with the Illinois State Federation in trying to enact legislation which will be beneficial to the workers, and opposing legislation which will be detrimental, and in any other questions of public policy the Chicago Federation of Labor generally identifies itself with it for the best interests of the community. In matters of labor disputes wherever the Chicago Federation of Labor can lend itself to be helpful to bring about a resonable understanding, it is always ready and willing to do that. Possibly in all of the large strikes in the city of Chicago during its existence the Chicago Federation of Labor has been identified in them.

Mr. THOMPSON. In such things as strikes and lockouts generally in the past few years the Chicago Federation of Labor has taken an active attitude, has

it not, rather than a passive one? Where a strike has been between firms of the city and unions, where the unions have been affiliated with your body?

Mr. FITZPATRICK. The Chicago Federation of Labor always tries to be active in the interests of the affiliated organizations.

Mr. THOMPSON. What power of control has your organization got over the affiliated unions? Suppose they refuse to carry out your by-laws or your constitution, or refuse to carry out any resolution your order may pass at any of its meetings.

Mr. FITZPATRICK. There is no power of compulsion.

Mr. THOMPSON. There is no coercive influence in the federation?

Mr. FITZPATRICK. We are unable to make any organization do this, that, or the other thing. It is only by moral suasion. If an organization don't like the things the Chicago Federation of Labor participates in, they can withdraw.

Mr. THOMPSON. How does your body work in connection with, we will say, industrial conflicts? Are those generally in the first instance in the hands of the local union or international union, which has the matter up with the employer?

Mr. FITZPATRICK. Always first in the hands of the local organization, and if the local is a local of the international organization, then it goes to the international organization. Then if the local and international involved agree that the assistance or cooperation of the Chicago Federation of Labor is advisable or necessary, they can ask it or it is offered—it is generally offered.

Mr. THOMPSON. In the offering of assistance or the denying of assistance, does a question of that kind come before the officers as such, or the executive committee, or does it come before the open meeting of your body?

Mr. FITZPATRICK. Sometimes it is made direct to the officers, and sometimes, most generally, it is discussed in the federation of labor meetings.

Mr. THOMPSON. And brought up by the delegates on the floor?

Mr. FITZPATRICK. Yes; by the organizations involved, and they ask for assistance and cooperation of the affiliated organizations.

Mr. THOMPSON. What power or control has your body over a strike either to begin it or terminate it?

Mr. FITZPATRICK. None.

Mr. THOMPSON. None?

Mr. FITZPATRICK. No, sir.

Mr. THOMPSON. Its power is simply advisory, and in the matter of counsel and to pass, perhaps give financial assistance, is that right?

Mr. FITZPATRICK. The Chicago Federation of Labor can not inaugurate a strike; of course it can be helpful in securing money to sustain those engaged in a strike.

Mr. THOMPSON. Is there any general rule or rules that are followed by your body in determining whether or not it shall take part in a strike either to assist it or to oppose it? For instance, do you oppose what is called sympathetic strikes, or is that matter left solely to your meeting for the delegates to determine?

Mr. FITZPATRICK. Left solely to the organizations involved.

Mr. THOMPSON. The local unions here who decide to assist the local by ordering what is commonly called a sympathetic strike, is that within the power of the local union and the international?

Mr. FITZPATRICK. It is within the power of the local under the jurisdiction of the international if they are such. If they are local unions of the American Federation of Labor, then comply with their own laws and rules in that regard.

Mr. THOMPSON. Does the Chicago Federation of Labor have power, and does it ever at any of its meetings by vote of those present delegate or advise unions to either go on a strike or because of the grievances that they have themselves, or advise unions to assist others by sympathetic strikes?

Mr. FITZPATRICK. Not directly. We might suggest or advise that it is to the best interests of the movement, if they are involved, it is to the best interest to stand together; we might take some advisory action of that kind.

Mr. THOMPSON. And a great many strikes occur, do they not, Mr. Fitzpatrick, in the city, not because of causes or complaints or grievances against the employer, but because of differences of opinion among certain international unions as to jurisdiction of work? Do those strikes ever occur in Chicago?

Mr. FITZPATRICK. Yes; I think it is possible strikes of that kind have happened.

Mr. THOMPSON. Is the power of your organization in reference to this any different than in reference to any other strikes?

Mr. FITZPATRICK. No.

Mr. THOMPSON. Is the power of your organization in regard to jurisdictional strikes as broad as the power, or, rather, as broad—the word "power" is not appropriate—is your jurisdiction as broad as that of the American Federation of Labor?

Mr. FITZPATRICK. I think it is about on a par with that of the American Federation of Labor. The American Federation of Labor has no more control over an international organization than the Chicago Federation of Labor.

Mr. THOMPSON. But the American Federation of Labor has a building trades department, and you say it is to take up jurisdictional troubles. Have you such a department in your organization?

Mr. FITZPATRICK. Not within. There is a local of the building trades department of the American Federation of Labor which comprises that group of building trades that are also under the board of the Chicago Federation of Labor.

Mr. THOMPSON. Generally, are the jurisdictional building troubles in Chicago taken up by the building trades council?

Mr. FITZPATRICK. Also as far as building trades are concerned.

Mr. THOMPSON. And in matters and troubles of that character it is generally assumed by your body that the building trades council will take charge of the matter, is it not?

Mr. FITZPATRICK. That the local unions will try to agree among themselves, and if they can not agree they will take it up through their international organization, and if it can not be adjusted there, then to the building trades department of the American Federation of Labor, and so on.

Mr. THOMPSON. Have you any power in a strike of that kind, a jurisdictional strike, to terminate it, or order it to be terminated, or is your power the same in that respect as with reference to other strikes?

Mr. FITZPATRICK. We have no power to either start or finish any strike.

Mr. THOMPSON. So far as your body is concerned, there is no check, of course, apparently, on jurisdictional strikes. What power, so far as you know, in the organizations of the labor world—the American Federation of Labor, the Illinois Federation of Labor, or your organization—what power or check is there on such strikes?

Mr. FITZPATRICK. It is within the international organization, the local union of the international organization.

Mr. THOMPSON. They are a power unto themselves?

Mr. FITZPATRICK. By their vote they say whether they will engage in a strike of whether they will terminate it.

Mr. THOMPSON. In your position as president of the Chicago Federation of Labor you have had occasion to come in contact with the conditions of labor in various industries in the vicinity of Chicago more or less, have you not?

Mr. FITZPATRICK. Yes; somewhat.

Mr. THOMPSON. What is the condition of labor, generally speaking, in the vicinity of Chicago? In some places is the condition favorable, in your opinion, and others unfavorable?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. If they are; in what places, in what industries?

Mr. FITZPATRICK. I think in the organized trades the condition is good; I think in the unorganized ocupations that it is bad—very bad.

Mr. THOMPSON. Is that true generally, or are there exceptions to either of those fields?

Mr. FITZPATRICK. I think it is pretty general.

Mr. THOMPSON. Do you know of any field, say, specific field, wherein unorganized labor is well situated, or do you know of any field wherein organized labor is not well situated?

Mr. FITZPATRICK. I do not know of any field where unorganized labor is well situated.

Mr. THOMPSON. Do you know of the Link Belt Co.?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. Have you any knowledge—definite knowledge—of the condition of labor there?

Mr. FITZPATRICK. I think it is bad.

Mr. THOMPSON. On what is that opinion of yours based, Mr. Fitzpatrick?

Mr. FITZPATRICK. On that the control, the control of the men who manage that concern, is so decisive that they are just like parts of the industry. They start and stop with the industry. They do not amount to any more than that.

Mr. THOMPSON. Have you made any investigation, or is this opinion which you have, Mr. Fitzpatrick, caused by complaints of the men or in a general survey of the field?

Mr. FITZPATRICK. Well, in the general survey. I know something about the plant. I live very close to it, and know the conditions that have existed there for a number of years.

Mr. THOMPSON. There has been some complaint, Mr. Fitzpatrick, on the part of some of the community as to the government of labor unions. Generally, unions are democratic bodies and are handled as such, are they not?

Mr. FITZPATRICK. I think, always.

Mr. THOMPSON. Are the same safeguards used in the voting and giving the expression to the will of the member in union bodies as there is in the States, to see that the voter expresses his opinion—his voice?

Mr. FITZPATRICK. And all the rules in regards to giving the expression is within the hands of the members themselves. If they find that the rules are oppressive they can change them and make them to their own liking.

Mr. THOMPSON. But it is alleged that in various meetings that the union members are afraid to get up and express their opinion—they fear coercion—and that at the voting there is no protection such as a secret ballot would afford to a member in passing on resolutions or in electing men to office. What have you to say, from your experience, in regard to that matter?

Mr. FITZPATRICK. Of course you say "it is alleged," and I think it is alleged by the Chicago press. I don't think you will find any statements of that kind in the publications of the trade-unions of the country.

Mr. THOMPSON. Then in your opinion the members of the trades-unions have the same opportunity to express their opinion without coercion in regard to the government of their bodies as the citizen does in the State?

Mr. FITZPATRICK. Yes; I think so.

Mr. THOMPSON. Of course, in the State, Mr. Fitzpatrick, it has been found necessary in order to protect the voter from the coercion of the ordinary politician to provide the secret ballot, such as the Australian ballot, and to provide a primary law by which candidates may be nominated by the people, and other similar laws. As far as you know, are any laws of such a character adopted by the unions in order to protect the free expression of the opinion of the member?

Mr. FITZPATRICK. I think most of the organizations resort to the Australian voting system. Some of them may not, but I think the majority of them do; and I think that they generally recognize the principle of the initiative and referendum on all important questions.

Mr. THOMPSON. Then, in your opinion——

Mr. FITZPATRICK. And as far as the primary is concerned, my experience with the organizations in the city of Chicago is that the primaries in the labor organization have been a free-for-all.

Mr. THOMPSON. A free-for-all?

Mr. FITZPATRICK. That anybody who wants to name himself for any office has the privilege of so doing.

Mr. THOMPSON. Is it your opinion that it would be a good thing to those unions who have not the Australian ballot or the secret ballot, and who have not a referendum, to adopt such in the government of their bodies?

Mr. FITZPATRICK. Oh, I think it is best to let them determine it for themselves as to what particular way they want to adjust their own matters.

Mr. THOMPSON. And in your opinion would that be a good way to handle their affairs, from your personal standpoint?

Mr. FITZPATRICK. Well, now, that is a question as to the conditions that surround the union. They may be able to devise even a better way. If they could, why, I would rather see them devise the better way.

Mr. THOMPSON. You believe in the protection of the ballot, then. Mr. Fitzpatrick, have you made a study of the condition of industry as to whether unrest exists or not in the industry here in Chicago and generally throughout the country?

Mr. FITZPATRICK. Yes; I think I have got considerable.

Mr. THOMPSON. You believe there is considerable unrest?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. What, in your opinion, are the causes of it, and what would you recommend as remedies which are within the power of this commission to recommend to Congress—I mean something not Utopian, but practical.

Mr. FITZPATRICK. Why, I think the unrest which exists among the workers, both organized and unorganized, is the control which big business has over not only industrial affairs but public affairs; that grip which they have on the affairs of government and which they use against the workers continuously and everlastingly causes a disrest—an unrest among the workers to get from under that—that contral, that holding down, which they have held for so long.

Mr. THOMPSON. And how would you meet that?

Mr. FITZPATRICK. Well, I—I don't know just exactly how we are going to meet it, only that we will find a way out. The workers of the world have always been oppressed and they have always been able to find relief, and I think that just as the heavy hand is laid on the back of the worker of our day and time that he will be able to devise the ways and means for getting out from underneath it.

Mr. THOMPSON. Do you believe, Mr. Fitzpatrick, that an industrial council—say a Federal industrial council—with power to investigate labor conditions and with power to conciliate and mediate and to arbitrate on request of the parties would assist in reaching a solution of some of the troubles which exist to-day in the industrial world?

Mr. FITZPATRICK. Well, of course, if we had the proper kind of conditions—if we had the proper kind of employers or had the proper kind of public officials to form a board of that kind—it might be helpful to some extent, but I think you will have to go some before you will reach that stage.

Mr. THOMPSON. You believe that truth would come out in those troubles, do you not?

Mr. FITZPATRICK. Believe what?

Mr. THOMPSON. You believe the truth should be ascertained—that the facts should be ascertained?

Mr. FITZPATRICK. Absolutely.

Mr. THOMPSON. Then, having an impartial body, if such body could be found, which would make a fair investigation of the facts in any dispute would be a good thing, would it not?

Mr. FITZPATRICK. If you could have the truth brought out and then published and not twist and distort it, it would be helpful; but our experience is that you don't get that no matter how well intentioned the commission would be, no matter what altruistic motives may be ascribed to it, there are other forces in the country that are able to circumvent it.

Mr. THOMPSON. Upon what experience is this opinion based?

Mr. FITZPATRICK. In dealing with these questions in Chicago here and trying to get the truth to the public and in a good many cases and failing absolutely.

Mr. THOMPSON. But you have not dealt in that matter with a Federal commission, have you? You have not dealt in regard to those matters with any Federal commission?

Mr. FITZPATRICK. Not with the Federal commission; no, sir.

Mr. THOMPSON. Or any State commission?

Mr. FITZPATRICK. Oh, I think we have; not investigating; no, sir.

Mr. THOMPSON. Are you a believer in conciliation and mediation?

Mr. FITZPATRICK. Yes, sir.

Mr. THOMPSON. And arbitration where the parties want it?

Mr. FITZPATRICK. Arbitration where they can have open and aboveboard arbitration, not where the arbitrators can be purchased by the fellow who has got the most influence. We disagree or disapprove of the controlled umpire in arbitration, and that has been all our difficulty with arbitration, is that the employer would resist the appointment of the umpire until they felt pretty sure they had the man they wanted.

Mr. THOMPSON. And you are not, then, advocating the use of a third man in arbitration, or what are your theories as to the method of handling arbitration, as to whether it should be sporadic and accidental, as it were, when a dispute arises, or whether the arbitration is best in the hands of a body who would act for an industry, we will say, and in such case would not call in a third man, or have you any opinion on that to express?

Mr. FITZPATRICK. I think some of the preliminary stages of conciliation and mediation do the best of the whole program. If the men can get together and find out where their rights and interest and equalities between both parties lie and then proceed along that line, that is the best possible way of settling

adjustment. Arbitration is not so satisfactory, because if the employer—if the award happens to be averse to the interests of the employer, he has kind of got it up his sleeve and is always looking to take advantage. If the worker feels the award went against him, he has it up his sleeve, and he is waiting for a time when he is going to solve these questions without that kind of a decision against him. Arbitration is not altogether satisfactory. It is a means to an end.

Mr. THOMPSON. Take cases where an arbitration board is established for an industry as such, that the arbitrators sit more or less permanently—not sit every day—what I mean are the ones to be called upon in case a controversy arises; that in such cases the third man instead of deciding the thing—taking the authority to decide himself immediately—does all he can to get the other two arbitrators to agree with one another and get them from time to time nearer together, and then only finally gives a decision when they can't agree. Would that kind of arbitration appeal to you as being a good proposition?

Mr. FITZPATRICK. I think it would be better than some of the tactics that have been called arbitrations in Chicago.

Mr. THOMPSON. Would or would not that be better than just having an equally divided board of arbitrators with no authority anywhere to finally make a deciding vote?

Mr. FITZPATRICK. I don't like the proposition of having a power anywhere to decide that we have got to do this, that, or the other. I don't like that scheme of things at all. I think that just as long as you develop that kind of power and put it some place, that you are going to have more or less trouble. When you get to the position you are going to put that power to make the decision, we will have to have a different human family than we have on the earth at the present time. It wouldn't do any time in the past, and we may have to go along some time into the future before we have that kind of a human family on the face of the earth that would be practical.

Mr. THOMPSON. Of course an industry is for the production of commodities for human being use. In your opinion, does the introduction of the union into an establishment have any effect, either favorable or unfavorable, on the industry as such?

Mr. FITZPATRICK. I think where reasonable, intelligent conditions have obtained that the unionization of the men would be most practical and bring the best possible results.

Mr. THOMPSON. Did you hear Mr. Piez's testimony the other day?

Mr. FITZPATRICK. I heard part of it.

Mr. THOMPSON. In that respect—in respect to that question. In respect to that question, did you hear his testimony?

Mr. FITZPATRICK. Yes; I heard him make a statement in regard to the activities of the union within his plant, and in figuring the thing over in my own mind I have come to the conclusion that that is all right for Mr. Piez's position, because Mr. Piez entered into the industry in that kind of way and for that purpose, as I understand it, and his view and his whole being is commercialized, and it is making profit—making good in the eyes of the directors and stockholders of the concern—and as he goes out in the market to purchase his different kinds of material and other things for his plant he goes on the one-eighth of a cent or one-fifteenth of a cent and all those things in doing it. They are in his mind when he is purchasing or making a deal in the interest of the concern of which he is a part. He is the hired man, you understand, to do that thing, and when he deals with labor he deals with labor in the same fashion. Labor is a thing. It is not human, so far as he is concerned. That is his whole mind; his whole make-up.

Commissioner O'CONNELL. He loses sight of the human side of the producer.

Mr. FITZPATRICK. Absolutely. He can't bring within his mind's eye that the person who works in the factory, that operates that machine, that that is a human being. He loses sight of that entirely. He thinks that is a part of the machinery to start it or stop it, or to do some other thing in connection with it. He has no idea there may be a wife and children back of that man working in his factory out there. It does not enter his mind. As far as his plant is concerned out there, they have a nice green lawn in front, boxes of flowers in front of the stenographers' windows to look out over the place; automobile drive around in front when you go by on the street car that is fine to look at. Absolutely nice. But get back down in there with the factory help and then see the conditions that exist there.

Commissioner O'CONNELL. No flowers in the factory?

Mr. FITZPATRICK. Very few. They may have some kind of iron design they are making for the ornamentation of a park fence or something of that kind.

Mr. THOMPSON. What opinion have you with reference to whether or not the introduction of a union into a plant leads to friction and antagonism between the men in it and the management?

Mr. FITZPATRICK. Well, where the commercial spirit is so intrenched in the minds and the hearts of the men who run that business you have got a hard situation. But in other industries, where the men want to do the right thing and want to be on an equal basis with their competitors and others, then a union can go along and be of great value and assistance, both to the worker and to the employer.

Now, there are two kinds of employers. There are employers who want to deal fairly and squarely with the public, with their employees, with their customers, and everybody. And there is the labor skinner, the fellow who is grinding and conniving and scheming and gouging every place that he possibly can. It does not make any difference whether he can squeeze a half cent out on some commodity that he is purchasing or whether he can squeeze a half cent out of the lives of the men in the factory.

Mr. THOMPSON. Most business to-day, Mr. Fitzpatrick, is a competitive proposition, is it not—most business?

Mr. FITZPATRICK. I think so.

Mr. THOMPSON. Generally speaking, one competitor has to meet the price for his article that the other competitor is willing to make; is that generally true, in your opinion?

Mr. FITZPATRICK. Well, it cuts quite a figure.

Mr. THOMPSON. Consequently an employer can not pay more for his raw material and for his labor than what he can get back from the consumer and at the same time survive and have his business go ahead, can he?

Mr. FITZPATRICK. Well, of course, when you apply all of that on the side of labor, and I guess labor is pretty generally taken advantage of. For instance, I understand that the labor that goes into the making up of a high-class pair of shoes—we will say a $5 pair of shoes—I am informed by practical men in that business that the labor going into the make-up of that $5 shoe would be about 65 cents, and the material would not be much more than that. And then for handling and selling and all of that there is another added price, and altogether, to put the $5 shoe in the hands of the consumer, it would cost about—less than $2.50 or thereabouts. And then the purchaser of the shoe is mulcted to the extent of the other half.

Mr. THOMPSON. In other words, you think that the saving——

Mr. FITZPATRICK. Now, the shoe manufacturers will grind the faces off the workers in order to hold them down to the very last point; will not let them get abvove that 65 cents which enters into the manufacture of the shoe; try to keep pushing them below that all the time.

Mr. THOMPSON. Of course, as a general proposition, it is true that the employer must be able to sell the labor at a profit. Isn't that true?

Mr. FITZPATRICK. They do; leave it to them.

Mr. THOMPSON. In your opinion, from your experience as a leader of organized labor, Mr. Fitzpatrick—or, at least, what is your opinion with reference to the necessity or not of a financial responsibility on behalf of the union toward employers?

Mr. FITZPATRICK. I didn't get that.

Mr. THOMPSON. What opinions have you with reference to whether or not there should be a financial responsibility on behalf of unions toward employers? That is to say, whether in case they have a contract and violate it they should be made to stand for any damages, for instance, that the employer suffers?

Mr. FITZPATRICK. I think that the labor organizations have made mistakes when they haven't exacted that kind of a requirements from the employer. I think if we undertook to collect damages for violation of contract on the part of employers we would have some money coming to us.

Mr. THOMPSON. Do you believe, in your opinion, it would be a good thing for organized labor and the employers to enter into contracts, give bonds to one another, to stand liable in money damages for the failure of either party to keep the contract?

Mr. FITZPATRICK. Every instance that I know of where labor organizations have been willing to put up the bonds the employer has always dodged it.

Mr. THOMPSON. Always dodged it?

Mr. FITZPATRICK. Yes.

Mr. THOMPSON. Have you had experience with such instances?

Mr. FITZPATRICK. Yes. I have seen employers bluffing around and wanting to have a bond, and when the organization was ready to furnish the bond the employer neatly sidestepped the proposition.

Mr. THOMPSON. In order that we may understand you, you have a belief, however, as a matter of your opinion, that a financial responsibility on behalf of both parties is a good thing?

Mr. FITZPATRICK. I think that the labor organizations are more determined to carry out their contracts, their agreements, even if they do it at some disadvantage.

Mr. THOMPSON. How would you interpret that or put that in terms of financial responsibility? Would you say that they should give bonds or other financial guaranties or not?

Mr. FITZPATRICK. Where they enter into——

Mr, THOMPSON. A contract.

Mr. FITZPATRICK. A mutual contract?

Mr. THOMPSON. Yes.

Mr. FITZPATRICK. I do not know just exactly what effect it would have. I think that the spirit that the men of labor have when they go into a contract is that they give their word of honor in that situation, and that is much better than their bond or anything else that they could use. If it became necessary, I think possibly organizations——

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock would like to ask a question or two.

Commissioner WEINSTOCK. In the course of our hearings, Mr. Fitzpatrick, in various cities, we have had an opportunity to listen to quite a good many nonunion employers, employers who are opposed to the recognizing or dealing with the unions. I have briefly summarized the reasons they have offered for refraining to recognize these unions. I am very sure this commission will be very glad indeed to have your answer, as an intelligent representative of labor, to these charges that were made against unions, and the reasons given by employers why they would not deal with them. Briefly, these are among the reasons that have been offered:

First. The representatives of unions are largely engaged in graft, or that they are blackmailers.

Second. Unions resort to violence in strikes and become lawbreakers.

Third. That they break agreements.

Fourth. That the strong unions make unreasonable and unfair demands against employers.

Fifth. That they stand for the diminishing output, which makes for the dead level among the workers.

Sixth. That they are disloyal to the State because they object to their members joining the National Guard.

Seventh. That the innocent employers are very frequently seriously injured by jurisdictional disputes, as in the case of the brickmakers, which case has been referred to as one of those instances.

And, finally, that the unions are irresponsible and the employers are, on the other hand, responsible.

Now, take these up seriatim, and we will be very glad indeed to get what answer you care to make to these various statements made on the other side. For instance, the case of graft in unions.

Chairman WALSH. One at a time, perhaps, would be better.

Commissioner WEINSTOCK. It would be of interest to this commission to know what action unions take officially to deal with that problem.

Mr. FITZPATRICK. I think where organizations would find any semblance of graft that they would immediately eradicate it.

Commissioner WEINSTOCK. Could you furnish this commission, Mr. Fitzpatrick, with instances where grafters have been punished by the unions and expelled?

Mr. FITZPATRICK. I can not recall offhand where graft has been proved. We hear a great deal of charges about graft, but we do not get any evidence of graft. We find that the employers are interested in possibly undoing some labor official who has been successful in manipulating the affairs of his organization, and it is to the employer's interest to undo him, and they make the charge of graft, or something else, against him; then the newspapers carry

that to the public, and they try to discredit the trouble. But to come right down to the real proof of graft, where is it?

Now, for instance, we have 260 organizations affiliated with the Chicago Federation of Labor. Each of these 260 organizations have anywhere from 9 to 11 officers, which makes quite a group of men. The Chicago Record-Herald for the last three or four weeks has been working night and day trying to get something to hook onto some of the men connected with the labor organizations. They have named three or four organizations in all of the search and re-search amongst all of the officers of these labor organizations. They have named three or four organizations and among them are—they have named five or six and three or four are irresponsible organizations; they are not affiliated with any body, not identified with any body; they are free-lances, and what they do in the community is charged up to organized labor movements. They have got one or two officers of the organizations that have been connected with that possibly, and they have had the graft charges, and if they were able to get any more you may rest assured that they would have them. They would have their front pages teeming with that kind of information.

Now, out of several thousand officers of labor organizations, they have only been able to charge supposed graft to one or two men. But instead of going through the proper channels and bringing that fellow to justice as a lawbreaker, they do not do that. They want to destroy the whole labor movement because one or two men happen to fall down here or there or elsewhere. They use the combined power of the press, newspapers, magazines, and other things to destroy it because of them.

Commissioner WEINSTOCK. On the question of violence in strikes, Mr. Fitzpatrick, what is your answer to that?

Mr. FITZPATRICK. If you find violence on the part of any labor organization in the city of Chicago in a strike, organized violence, I would like to see it. In any of the strikes that have happened in the city of Chicago—the stockyards strike, the teamsters' strike, the newspaper strike, or any of these other strikes that have happened—organized violence on the part of labor organizations was not known. There may be here and there a misguided member of some labor organization who has hurled a brick or struck a man a blow in argument, or something of that kind may have happened, but not to any extent.

But what do we find on the other side? We find organized violence. We find these employers' associations, these blacklisting institutions that they have here, resorting to every possible means that they can to create turmoil and strife on the streets of the city of Chicago. Take, for instance, the employers' association during the teamsters' strike; what did they do? They brought men in and paraded them around the streets of the city of Chicago in coal wagons with pick-ax handles and blackjacks, and with guns, and marched them up and down and marched them around the old courthouse over at Washington and La Salle Streets just to incite riots on the streets of the city of Chicago; and they had a group of respectables, the high-class citizenship of the city of Chicago, in the governor's office at Springfield; members of the manufacturers' association, of the employers' association, in the governor's office in Springfield, hoping that the riots that they would be able to precipitate on the streets of the city of Chicago would necessitate a telegram from the sheriff for assistance, and that the employers would be there in the office to insist that the militia might be sent into the city of Chicago to quell the riot on the part of the workers. That is an actual happening.

Now, then, in the newspaper war, this situation was manipulated by the newspaper publishers' association to destroy the unions of the workmen in the printing plants in the city of Chicago, where the agreements were absolutely violated without regard to the conditions that were agreed to and subscribed to; they shoved those things aside and precipitated a war in the streets of the city of Chicago.

And the newspaper publishers' association, I think if you will go to the—if you will secure the minutes of the newspaper publishers' association during the time that that fight was on to disrupt the pressmen's organization, if you can get their minutes I think you will find a good deal of information as to how organized violence is operated on the part of the employers. I think that if you will go to the coroner's record of Cook County that you will find there in the records of the coroner's office that the agents of the newspaper publishers' association purchased guns in quantities and threw them on the table and told the fellows that they brought in here—irresponsible characters, no matter where

they could pick them up, brought them in here, clothed them with the authority of a special police or a deputy sheriff, and then told them to go into that room and pick up their arms, guns or blackjacks or knives, and whatever they wanted, and then walked out on the streets of the city of Chicago and murdered innocent citizens. I think that the coroner's records of the city of Chicago would make that statement stand up.

Commissioner WEINSTOCK. Is this commission to understand, Mr. Fitzpatrick, that all this was done before there had been any violence committed at all, that they took the initiative?

Mr. FITZPATRICK. There wasn't any violence.

Commissioner WEINSTOCK. If there was no violence, what occasioned all this?

Mr. FITZPATRICK. To cause trouble, to discourage and dishearten and weaken the men who were involved in the controversy.

Commissioner WEINSTOCK. To intimidate them?

Mr. FITZPATRICK. For instance, the trouble started in the Hearst papers, and the officers of the union were there urging and requesting and insisting that the agreements and arrangements with the organization be followed out. And when the time came that the newspaper publishers' association had decided that this fight would start from different places within the pressroom of the Hearst papers, the officers—Paddy Lavin, the notorious strike-breaking police official of the police force of the city of Chicago, was in the basement there with all of his men, his lieutenants and his henchmen, to start the trouble. And they picked up the officers of the union who were there, insisting that their agreements be carried out, and they carried them out bodily and threw them out on the street, thinking that the other men would resent such tactics of that kind. But they didn't. They said, "All right, if you are going to use brutality and organized violence of that kind we will have to grit our teeth and bear it," and they did.

Commissioner WEINSTOCK. Your statement, then, Mr. Fitzpatrick, is that you deny the charge that organized labor in the city of Chicago resorts to violence?

Mr. FITZPATRICK. And, in contradiction of that, that the employers' associations, their blacklisting divisions that they have, resort to organized violence.

For instance, the Association of Commerce will not become embroiled in a controversy with labor organizations. Not at all; they leave that to the other division. This institution is presided over by a man by the name of Webster; and this one presided over by a man by the name of Dudley Taylor; and another one over here in the Medinah Temple building. These under-organizations are the ones who carry on that kind of work. The Association of Commerce itself won't do that. It is engaged in a very high and holy undertaking. It is interested in vocational education. It is interested in regulation of traffic. It is interested in the City Beautiful, and all manner of that kind. But when the employers want to serve notice on the forces of government in the city of Chicago, or in the county of Cook, or in the State of Illinois, then it is the big men of the Association of Commerce who get up a committee of the citizens; and Mr. Simpson, of Marshall Field & Co.; and Mr. Rosenwald, of Sears-Roebuck; Mr. Thorne, of Montgomery Ward & Co.—they will get a committee, and they will call upon the mayor, and they will make protest. Their protest is nothing more or less than serving notice of what they want done. It is indirect notice to the chief of police; it is indirect notice to the sheriff's office; it is an indirect notice to the courts as to what they expect when these matters come up before them. That is the way the thing is done.

The Union League Club down here: You could not expect that the Union League Club would be guilty of openly coming in contact with any situation of that kind. Of course not. But they will invite the assistant chief of police down to dinner there, and he will come and have his meals, and he will meet Mr. Simpson, or Mr. Thorne, or Mr. Rosenwald, or some other mister. You don't have to tell him pointblank what you expect, and there is the situation in existence.

Commissioner O'CONNELL. Would you term that graft, in a sense?

Mr. FITZPATRICK. How?

Commissioner O'CONNELL. Would you term that graft, in a sense?

Mr. FITZPATRICK. Well, I don't know as you could call it graft. Some of the ex-police officials of the city of Chicago are reckoned as being millionaires, but they were never accused of grafting. I would not want to accuse them of that, either.

Commissioner WEINSTOCK. I gather from your testimony, Mr. Fitzpatrick, that your attitude is this, that if violence has happened it has been in the nature of an offensive action on the part of the employers or their agents, and a defensive action on the part of the workers. You deny that the workers have ever used offensive violence.

Mr. FITZPATRICK. Absolutely.

Commissioner WEINSTOCK. Now, in the matter of the alleged charge of breaking agreements, Mr. Fitzpatrick, what can you tell us about that? Do you know of any instances where unions have deliberately broken their agreements?

Mr. FITZPATRICK. Where unions have?

Commissioner WEINSTOCK. Yes.

Mr. FITZPATRICK. No; I don't know of one instance where an organization has disregarded its relations under an agreement.

Commissioner WEINSTOCK. Do you know of any instances——

Mr. FITZPATRICK. I know I have come in contact with many situations where I think the employers have manipulated the situation to compel the organization to violate their agreements. They have made the conditions under the agreement almost inhuman or unbearable.

Commissioner WEINSTOCK. Do you know of any instances on record where the employers have broken agreements?

Mr. FITZPATRICK. Well, I could not name them offhand. I know that the Chicago Federation of Labor often has to exert itself to its fullest extent to insist on the living up to the agreements on the part of employers.

Commissioner WEINSTOCK. Are there any such instances of record?

Commissioner O'CONNELL. You say the Chicago newspapers have broken their contracts?

Mr. FITZPATRICK. Yes.

Commissioner O'CONNELL. I thought I understood you to say that.

Mr. FITZPATRICK. Yes.

Commissioner WEINSTOCK. Can you furnish this commission, Mr. Fitzpatrick, with a list of instances where employers broke agreements?

Mr. FITZPATRICK. I think I would be able to get some information on that score. The particular one would be the newspaper publishers' association.

Commissioner O'CONNELL. If you can, we would appreciate it.

(Mr. Fitzpatrick subsequently sent in the following communication:)

FEDERATION OF LABOR,
Chicago, Ill., October 6, 1914.

Mr. LEWIS K. BROWN,
Secretary, United States Commission on Industrial Relations,
Chicago, Ill.

MY DEAR SIR: I received your letter in regard to my failure to submit list of instances where employers broke agreements, and in reply will say I am glad now to have occasion to comply.

I think it will be only necessary to submit three instances where large and vital interests in the community were involved. We contend that if the large interests so recklessly violate agreements it proves the tendency of lesser concerns to follow suit.

Our assertion that employers violated agreements is directed against the Chicago Packing Houses, commonly known as the "Beef Trust," *v.* The Amalgamated Meat Cutters and Butcher Workmen; Montgomery Ward & Co. *v.* The Garment Workers; and the Newspaper Publishers' Association of Chicago *v.* Pressmen and Stereotypers' Local Unions.

Yours, very sincerely,

JOHN FITZPATRICK.

Commissioner WEINSTOCK. Now, the alleged charge that the strong unions make unreasonable demands and are extortionate in their attitude, what have you to say on that score?

Mr. FITZPATRICK. I suppose you would have to define what unreasonable was. If these men were asking for something they were not entitled to, that might be considered unreasonable, but what is there that workers might ask for that is unreasonable?

Commissioner WEINSTOCK. He might ask for wages greater than the industry could bear; he might ask for hours that were shorter than in the industry in other parts of the country, or restrictions that would be a serious handicap to

the industry in competition with other industries of other States and other localities.

Mr. FITZPATRICK. Well, I think the records would show that the stronger the organization becomes the more conservative it becomes. It goes more into investigating, in finding details and facts, and in determining the situation and being guided accordingly. I don't think the statement would stand.

Commissioner WEINSTOCK. That is, you would want specific instances?

Mr. FITZPATRICK. I don't think it exists. I don't think the strong organization makes any unreasonable demands anywhere. The stronger the organization becomes the more likely it would be to investigate and get the facts before it would make any kind of move. The small organization might become involved in some kind of erratic move, but I don't think that would be possible on the part of the larger organization or powerful organization. I think as an organization becomes stronger that they are more conservative and careful with the power that comes into their possession. An irresponsible organization will go off and do this, that, or the other thing, and are not responsible to anybody. You will not get that on the part of the big organizations and the strong organizations.

Commissioner WEINSTOCK. In the matter of the alleged diminished output, making for the dead level, what is the answer to that charge? Do the unions stand for the limitation of the amount of work a man shall do in a given time?

Mr. FITZPATRICK. I don't think that that is ever prescribed in the laws of an organization. The organization says that the membership will perform a real day's work for a reasonable amount of compensation. That is about the program now. That is about the program. But suppose that the—suppose an organization would say to its members, "This group of employers are only willing to pay so much a day for the amount of energy, mental and physical, we are going to exert. We are going to give them that in full, we are going to give them the full measure of that amount of money." It does not mean that the worker is going to let the employer prescribe the amount of compensation for the day's work and then go in and toil long and hard and exhaust himself mentally and physically and practically deplete himself in a few years under circumstances of that kind. It is not reasonable to expect. The employer won't do it in his dealings with his commodity. The employer's commodity is a production which he is manufacturing. If you go into his place to-day he will tell you the price per yard or per foot or per pound, whatever it is, and you have to give him his price, and all you get is that much, and you are very lucky if he hasn't gotten the measure fixed on you or the scales. You are very lucky. But, on the other hand, they want to get the worker's product, which is his labor, and want to get it unlimited for the amount of money that they want to prescribe as a day's pay. That is the situation.

Commissioner WEINSTOCK. Do I understand you also deny the charge of alleged diminished output?

Mr. FITZPATRICK. Yes, sir.

Commissioner WEINSTOCK. What is the attitude of your union where employers voluntarily, for higher efficiency, pay men more than the minimum wage? Suppose the minimum wage is $3 a day, and suppose the employer, in order to encourage his workers and show appreciation of their efforts, should pay some men $3.25 and some $3.50, what action, if any, would be taken on the part of the union in a case of that sort? Would they object to the man being paid above the minimum, or demand that all shall receive whatever maximum is paid any individual worker for higher efficiency?

Mr. FITZPATRICK. Organizations never put a limit on the earning capacity of the individual. They do establish a minimum rate of wage which no man doing that particular class of work ought to go below and ought to get all above that he can earn. The proposition, while it is a big, broad, humane proposition as advanced by the organizations, the employers take advantage of our minimum and make it their maximum, and agree among themselves that "when the organization fixes its minimum we will make it our maximum, and we will hold our good men down to the level of the poorest in the proposition, and try to punish that good man by holding him down to the level of the lowest, and see if we won't get a revulsion of feeling and a kick over the traces and break up the situation."

Commissioner WEINSTOCK. I don't think it works out that way.

Mr. FITZPATRICK. That is our experience with it.

Commissioner WEINSTOCK. This question has been tested in Australia. At Sydney, Australia, I had a statement of a very large employer on that point. He

said when the law first went into operation fixing a minimum, he, being a furniture manufacturer, cut his men down to the level of the bottom, and two things happened. When he cut his 12-shilling man down to the level of the 10-shilling man he didn't get 12 shillings' worth of work. The man lessened his exertions. The second thing was, he found that his competitor took out his best people and offered them a premium. The result is that to-day 55 per cent of the workers receive more than the minimum. The same law will operate the same in this country, because human nature is the same.

Mr. FITZPATRICK. The only answer to that is this, that employers in Australia are not as well organized as big business in the United States.

Commissioner WEINSTOCK. They are better organized, because the Government encourages them to organize.

Mr. FITZPATRICK. The situation here is that big business has control of the forces of the Government and don't let anything get away from them. They manipulate that situation here where they can't get by.

Commissioner WEINSTOCK. Are there no people in your trade that get above the minimum wage fixed by the union?

Mr. FITZPATRICK. In some instances they may. It does not occur generally.

Commissioner WEINSTOCK. It is exceptional?

Mr. FITZPATRICK. It is exceptional. I think in all the occupations the minimum is made the maximum, and that is all there is to it; and the fellow at the head of the concern don't understand that. That information hardly ever gets to him. It is manipulated by the superintendent and the manager and the subboss down below. The man at the head of the concern hardly ever knows of the injustices that have been practiced on the workers in the plant, and it very seldom gets to him.

Commissioner WEINSTOCK. What is the answer to the charge that the unions stand for disloyalty to the State and in discouraging, and in some instances going as far as to forbid, its members from joining the National Guard?

Mr. FITZPATRICK. I do not believe that condition exists anywhere. I think the records of some organizations would show that in the sixties where the organizations were going along transacting their business when the war cry came along, they adjourned their organizations and went and enlisted in the Army, and then discontinued the operation of their organization until the internal strife was over.

Commissioner WEINSTOCK. Do you know of any case, Mr. Fitzpatrick, where they had in their by-laws a provision that the members are not to be permitted to joint the National Guard?

Mr. FITZPATRICK. I do not know a single instance in any organization in the city of Chicago where such a rule as that exists.

Commissioner WEINSTOCK. Do you know of a case where a unionist has been expelled from the union because he did not join the National Guard?

Mr. FITZPATRICK. I do not. I haven't any such information. But I do know that there is quite a resentment amongst the rank and file of the members of the labor organizations in the city and elsewhere against the militia being used by the employers to defeat the purpose of organization. When the employers find that their gunmen and thugs are not sufficient to browbeat and discourage or dishearten the workers then they resort to the police force and then to the deputy sheriffs, and, in some instances, the United States marshals have been used. And when that is not sufficient they try to use the militia, and where the militia of the State has not been sufficiently servile to carry out the edict of big business in a manner and form in which it wanted to use the militia that they have injected into the militia these gun men and others, and clothed with the authority of the militia, in order to do the dirty work in the name of the State. When a condition of that kind exists in this country it discredits the forces of the Government. The citizen, the average citizen, has not a revulsion of feeling against the militia as such, but against the purposes for which it is used and permitted by the officers of the State to be used. They have nothing to complain about. Take for instance in Colorado, when the Federal troops were sent into Colorado, the striking miners thought it was a godsend.

I have seen the times in Chicago here, when we would have thought the Federal troops coming in here to protect the citizenship against that kind of men that the employers' association had there—would have looked upon the Federal troops as a good thing to save our homes and our wives and our children and our people from the depredations committed by those characters.

Commissioner WEINSTOCK. Now, as to the charge, Mr. Fitzpatrick, that the innocent employers of union labor are at times seriously injured through no fault of their own by jurisdictional disputes. Take this brickmakers case as an illustration, where I am told that building was paralyzed for 80 or 90 days and many men seriously crippled financially, and employers were the same way, through absolutely no fault of their own.

Mr. FITZPATRICK. That I do not know as the brickmakers' case is just the kind of situation that ought to be presented. There was a good deal in connection with that case that it would not bring out an identical case that we ought to draw. An employer whose interests are involved in a controversey between two organizations, that, of course, is a serious situation and a bad one. But I do not think that any labor organization gloats because some employer's interests happen to become involved in that way. I think that even while the organizations are wrangling over these point that both sides, no matter how intent they may be on gaining their point, that they have serious interest in the employer being involved and they are willing to do almost anything that would not be an injury, but he happens to be in the conflict. That is all.

Commissioner WEINSTOCK. He is between the upper and nether stone.

Mr. FITZPATRICK. He just happens to be in the situation at that particular period of time.

Commissioner WEINSTOCK. What is the remedy for that?

Mr. FITZPATRICK. I think when we get a little bit further along, in a different period of time, industry will settle down for a while and then labor organizations will be able to adjust themselves to that situation. Of course, it is not going to stay that way. We can never hope that things are going to be satisfactory as long as we are human beings on earth. Things are going to be changed ever. But the industry—the jurisdictional disputes are largely brought about because of the change of the industry. And, of course, the employer insisting on what he believes is right and other things that are involved, and the organization, of course, believing that their rights are involved, they are going to try to protect themselves while fighting each other. Of course, the rules of the trades, the regulations of the trades have got to be changed also. Men can't be moved along like stones, they can't be pushed from over here and over there, when their interests seem to be involved and jeopardized, they are going to try to see that they are protected. They are going to argue and wrangle and quarrel over these things. It is not serious though.

Commissioner WEINSTOCK. In the matter of the final charge, that is made by employers who object to dealing with organized labor, on the ground that they are responsible and organized labor is not responsible, what answer have you to that?

Mr. FITZPATRICK. I would like to find the responsible employers' organization.

Commissioner WEINSTOCK. The employers as a rule individually are responsible and can be made to meet their obligations unless ruined.

Mr. FITZPATRICK. Yes; but he won't get into any organization and take his chances like the union man will in his organization. As soon as an employer gets into an organization he has got the advice of a group of attorneys that are back of it. They have always got an abundance of that kind of brains at their fingers' ends, and he will be advised as to the moves to make, and they will incorporate or something else that will let them out as individuals under the law as to what the organization may do. The union man, the citizen, the man who believes in respect for the law, he does not want any incorporation, he does not want to seek anything to protect him against the law, he is willing to stand out in the open and respect the law and do things within the law.

Commissioner WEINSTOCK. I have heard this reason offered, Mr. Fitzpatrick, by union men as to why unions do not incorporate. I want to know whether it is in harmony with your point of view. They contend that if they did incorporate and made themselves financially responsible they would be harassed to death by employers' associations and who would keep them in court continually. Is that one of the reasons that makes organized labor hesitate to incorporate, the fear of being harassed?

Mr. FITZPATRICK. I do not think it is fear; I think it is the possibility of the attorneys connected with these employers' associations always trying to pull down some fees, to keep themselves going, and to keep the organizations possibly in hot water all the time. What has the workingman got that the employer wants but his labor? He hasn't got anything else, only his labor.

Chairman WALSH. That will be all, Mr. Fitzpatrick. Call your next witness.

Mr. THOMPSON. Mr. Glenn.

TESTIMONY OF MR. JOHN M. GLENN.

Mr. THOMPSON. Mr. Glenn, will you give us your name?

Mr. GLENN. John M. Glenn.

Mr. THOMPSON. Your business address?

Mr. GLENN. 1227 American Trust Building, Chicago.

Mr. THOMPSON. And your business?

Mr. GLENN. I am secretary of the Illinois Manufacturers' Association.

Mr. THOMPSON. How long have you been secretary of that association, Mr. Glenn?

Mr. GLENN. About 15 years.

Mr. THOMPSON. Generally speaking, of what kind of employers is its membership composed, manufacturers alone?

Mr. GLENN. Yes; there are a few, maybe, that are not actually manufacturers, but their business is such as is in harmony with the interests of the other members of the organization.

Mr. THOMPSON. And has members from all over the State?

Mr. GLENN. Yes, sir; principally.

Commissioner O'CONNELL. Mr. Thompson, will you please develop what his business was prior to being secretary, whether he was ever an employer, and so on?

Mr. THOMPSON. I will.

Mr. GLENN. I was just prior to being secretary of the Illinois Manufacturers' Association, I was secretary of the civil service commission of Chicago. Prior to that for a great many years I was in the newspaper business as a reporter.

Commissioner O'CONNELL. Were you ever an employer of labor?

Mr. GLENN. Well, no; not a——

Commissioner O'CONNELL. Manufacturer?

Mr. GLENN. Not a manufacturer, no; only as I might be indirectly interested in some organization. I ran a farm one time.

Mr. THOMPSON. About how many members has your association, and I would like to ask whether it has classes of membership?

Mr. GLENN. No; it only has one class of members. The membership constitutes about 1,230, or 40 firms. They join by firms, not as individuals.

Mr. THOMPSON. Not as individuals?

Mr. GLENN. No.

Mr. THOMPSON. How long has the association been in existence, if you know?

Mr. GLENN. I think it was organized first in 1893 or about that time—maybe 1894. But it was not active until about 1897.

Mr. THOMPSON. That is, two years before you became its secretary, just shortly before?

Mr. GLENN. Yes. I think I went there in 1898, in February, as I remember it.

Mr. THOMPSON. Is the association affiliated with any other manufacturers' association or employers' association in this State?

Mr. GLENN. No.

Mr. THOMPSON. Or in the United States?

Mr. GLENN. No. It cooperates and acts with other organizations whose interests are the same, but it has no affiliation that would in any way bind it to act with any other organization. It cooperates with various organizations that have objects somewhat similar or may have some particular thing in which we are interested that is the same.

Mr. THOMPSON. Take the National Association of Manufacturers, that would probably then be composed perhaps of your membership?

Mr. GLENN. Some of the—a good many of the Illinois members of the National Manufacturers' Association belong to the Illinois Manufacturers' Association; probably all of them.

Mr. THOMPSON. And the relationship which exists between your organization and such an organization as that, or that organization specifically, is one of merely mutuality of interest?

Mr. GLENN. That is all.

Mr. THOMPSON. You have no contracts?

Mr. GLENN. No.

Mr. THOMPSON. Either definite or indefinite?

Mr. GLENN. No; directly or indirectly.

Mr. THOMPSON. No understanding?

Mr. GLENN. We are going the same road there and sometimes we travel together.

Mr. THOMPSON. As a matter of fact, do you ever travel in opposite directions on any question?

Mr. GLENN. Well, we don't always agree as to policy on some questions.

Mr. THOMPSON. How would that be with reference to the Chicago Employers' Association?

Mr. GLENN. Well, we are usually in harmony with it.

Mr. THOMPSON. But it might be that you could take different positions and each be within your jurisdiction?

Mr. GLENN. Yes, sir.

Mr. THOMPSON. In other words, you have no control over one another?

Mr. GLENN. No.

Mr. THOMPSON. That would be true also with reference to the other associations of employers around Chicago?

Mr. GLENN. The same thing.

Mr. THOMPSON. Of which there are quite a few?

Mr. GLENN. Yes.

Mr. THOMPSON. What is the purpose and object, of objects, of your organization?

Mr. GLENN. Well, to deal with all questions in which there is a common interest.

Mr. THOMPSON. That would include, of course, the labor problem?

Mr. GLENN. Yes; anything that the board of directors might see fit to take up in which the members of the association had a common interest.

Mr. THOMPSON. Will you tell us, in your own language, Mr. Glenn, briefly, what part your association has taken in the industrial problems in the State of Illinois where conflicts have arisen or where there have been no conflicts?

Mr. GLENN. Well, the influence of the association in labor controversies has generally been used to see that the law was enforced. We have never undertaken to settle a dispute between any particular set of manufacturers or members of the association and any particular labor organization.

We have been very actively interested in legislation, both for the welfare of the men employed and the welfare of the men that operate the industries.

We have taken the initiative in a great deal of legislation that is called sometimes reform legislation.

Mr. THOMPSON. Well, you might name these.

Mr. GLENN. We took the initiative in Illinois on workmen's compensation. We introduced the first bill that was introduced in the Illinois general assembly to create a commission to draft a bill to submit to the general assembly. Our friends, the labor unions, locked it up in a committee and let it die.

Mr. THOMPSON. Will you name other legislation in which you either helped to pass or encouraged.

Mr. GLENN. We cooperated in the matter of factory legislation. We have always favored what you call the occupational-disease legislation and matters of that kind. We have always been more or less in favor of the welfare work.

A great many of our members, long before these ladies and gentlemen discovered this welfare work, and that the industries ought to do it, had created the departments and were looking after their men.

A man that is operating a plant is as much interested—he is more interested in the welfare of the men under him than he is in anything else, even though he may not have any humanitarian view, or what you might call a high moral view. He is interested in preserving that man, because he is part of his organization. And any good operator is interested in having his men in good condition and having the whole organization in good condition. He don't abuse a man or he don't abuse a machine if he has got any sense.

Mr. THOMPSON. Well, has your association published any literature with reference to the welfare work and recommendations to members of your association?

Mr. GLENN. Yes; a great deal. We maintain a bureau in the association called the safety-first bureau, and it is in the hands of a committee, and it sends out considerable literature.

Mr. THOMPSON. Have you any of that literature now, and would you be willing to furnish it to the commission?

Mr. GLENN. Yes; you can have anything we have got.

Mr. THOMPSON. If you will send in.

Mr. GLENN. Any records or any literature. We never had a secret in our lives.

Mr. THOMPSON. I may say this, that we are not prying into secrets.

Mr. GLENN. Well, we haven't any.

Mr. THOMPSON. Anything that you don't want to tell, Mr. Glenn——

Mr. GLENN. All our stuff is open and goes out and everybody sees it. Sometimes we hold out on the newspapers a little, but not often.

Mr. THOMPSON. Have you a welfare department in your association?

Mr. GLENN. Not unless you would call the safety-first bureau, which has a lot of suggestions along that line.

Mr. THOMPSON. Have you a labor bureau in your association?

Mr. GLENN. No, sir.

Mr. THOMPSON. You have not?

Mr. GLENN. No.

Mr. THOMPSON. Any matters that relate to the labor problem would come up before the board of directors generally?

Mr. GLENN. Oh, yes; all those questions having to do with labor.

Our situation may be a little different from other organizations of employers for this reason, that they are not classified; that is, we have all kinds of interests, all kinds of employers. We have men that are engaged in foundry work and men that are engaged in manufacture of clothing; concerns that are engaged in meat packing; concerns that are engaged in making pig iron; concerns that are engaged in making, manufacturing ladies' hats, and men that are making cars. So you see the diversity of interests, and you have to be careful to avoid conflict.

Mr. THOMPSON. Do you have any committee that deals—any standing committee that deals with labor problems?

Mr. GLENN. No; all those questions come before the board of directors.

Mr. THOMPSON. The board of directors?

Mr. GLENN. The board of directors meets once a month; sometimes twice a month.

Mr. THOMPSON. Has your association taken part in any particular strike in Chicago or in the State of Illinois that you would care to mention to this commission?

Mr. GLENN. Oh, we have been interested in every labor controversy; that is, we haven't taken any active part many times, but we have often, as I said a while ago, used the influence of the association to see that law and order were preserved.

Mr. THOMPSON. That has been your purpose?

Mr. GLENN. Yes, sir. We have never undertaken to adjust the differences.

Mr. THOMPSON. Now, Mr. Glenn, in your position as secretary of this large association, you have had occasion more or less to keep in touch with the industrial situation; that is, the labor problem?

Mr. GLENN. Yes, sir.

Mr. THOMPSON. And as to whether or not a state of unrest exists therein. If such does, in your opinion, what is its cause, and what are your views thereon; what remedies would you suggest?

Mr. GLENN. Well, I think, if you want my opinion, that it would be very bad indeed for the country and for all of us if we were entirely satisfied. I think that if a state of unrest to some extent did not exist we would all be dying of dry rot. I think that so far as this investigation is concerned, that it was brought about when there wasn't any abnormal state of unrest. The commission was originally created by—that is, the agitation for the law under which the commission is operating was originally interested, or created, started by a number of people that were interested in maintaining unrest between capital and labor.

Chairman WALSH. Who were they; who were the persons?

Mr. GLENN. Well, the names—I don't like to be personal.

Chairman WALSH. Well, I wish you would now, if you make that charge.

Mr. GLENN. The movement was started and the committee was created, was headed by William T. Devine, of New York; Washington Gladden, of Columbus, Ohio, was on the committee; Miss Jane Addams was on the committee; John M. Glenn, of New York, was on the committee; and a number of those people first caused the bill to be introduced in Congress.

Chairman WALSH. Now, do you think there is no unrest sufficient to call for an investigation by anybody?

Mr. GLENN. There was not at that time.

Chairman WALSH. Is there now?

Mr. GLENN. I think the situation has very materially changed. I think this commission could do a lot of good, and maybe, probably will do a lot of good. I have no criticism to offer as to the work of this commission.

Chairman WALSH. Now, then, if there is any industrial unrest at the present time, in your opinion, Mr. Glenn, do you think there is widespread industrial unrest in the Nation?

Mr. GLENN. Yes. Will you let me answer that in my own way?

Chairman WALSH. I would like you first to answer my question, if you think there is industrial unrest widespread. If you can answer that yes or no, then make any explanation that you choose.

Mr. GLENN. Yes.

Chairman WALSH. Very good. Now, what explanation; did you want to say something on this?

Mr. GLENN. The commission—that is, the original law, when is was passed by Congress, the agitation against employers and against business was seized by everyone that wanted to make a speech against——

Chairman WALSH. Now, here, we have tried to conduct this without characterizing persons or questioning the motives of anyone. We have tried to conduct all of our examinations in that way, if possible. Now, I would like you, Mr. Glenn, if you would, to confine yourself to your explanation following your answer that you did think at the present there was widespread industrial unrest.

Mr. GLENN. Well, I wish you would let me say why I think some of this unrest exists; why this unrest, as you call it, is possible. I simply want to call attention to some things. I haven't any criticism to offer against this commission that is operating now.

Chairman WALSH. That isn't the question. What I am trying to confine you to is the question asked by counsel, which is, in your opinion, from the experience you have had representing employers in the way you have stated, have you a conclusion to the effect that there is widespread industrial unrest?

Mr. GLENN. Yes, sir.

Chairman WALSH. If there is, would you kindly indicate to the commission the cause of the unrest at the present time, and any suggestion that you might have in your mind that would tend to ameliorate it, or tend to put an end to it?

Mr. GLENN. I don't know that I could offer a suggestion that would be satisfactory to the commission. You told me if I would answer the question yes or no I could make an explanation.

Chairman WALSH. I told you you could make an explanation, but I desired you to confine yourself to the question asked by counsel, which was whether, in your opinion, from the experience you have had representing employers in the way you have stated, have you a conclusion to the effect that there is widespread industrial unrest. May I ask you to do that, if you have such an opinion.

Mr. GLENN. Repeat the question. I would like to go back to what the foundation of the unrest was.

Chairman WALSH. I would like you not to go back to what the foundation was, especially at this time. Some other question may draw it out.

Mr. GLENN. If counsel will put the question I will try to answer it.

Chairman WALSH. Your answer was that at the present time, I believe, there is widespread unrest.

Mr. GLENN. You put the question, and I answered it affirmatively.

Chairman WALSH. What is the cause of the unrest, do you think, at the present time?

Mr. GLENN. Largely agitation.

Chairman WALSH. Anything else except agitation?

Mr. GLENN. Well, there is depression in business.

Chairman WALSH. Anything else?

Mr. GLENN. Why, no; I don't think so. Not that I think of at this minute. If you mean to draw out whether conditions warrant it——

Chairman WALSH. I want you to give us anything——

Mr. GLENN. As between capital and labor, I don't think they do, further than that we haven't the orders to run the plant.

Chairman WALSH. Have you any suggestion you would like to make to the commission as to how this industrial unrest could be diminished or done away with?

Mr. GLENN. Well, I don't know as I have any I want to offer.

Chairman WALSH. Very good. Any other member of the commission like to ask Mr. Glenn any question?

Commissioner GARRETSON. You say in your opinion this industrial unrest started with the passage of the act creating this commission?

Mr. GLENN. I don't say that it started; I think it was fanned by that.

Commissioner GARRETSON. But there was not any great degree existing before that time?

Mr. GLENN. No, sir; the country was prosperous.

Commissioner GARRETSON. How about the unrest that existed in other countries? Was that created by the passage of this act, also?

Mr. GLENN. I don't know anything about other countries only in a general sort of way from reading the newspapers.

Commissioner GARRETSON. Has there been a time within the history of the race, so far as we possess it, that it hasn't existed?

Mr. GLENN. Unrest?

Commissioner GARRETSON. Industrial unrest.

Mr. GLENN. No, sir; and I hope it always will exist. It is an incentive to push on.

Commissioner GARRETSON. Has industrial unrest had anything to do in so-called civilized countries with slavery?

Mr. GLENN. Has it?

Commissioner GARRETSON. Yes.

Mr. GLENN. You mean industrial unrest—has that had anything to do with slavery in the United States?

Commissioner GARRETSON. I do not mean outside of the country; I mean in a civilized country.

Mr. GLENN. Civilized unrest; I don't know as industrial unrest is a cause——

Commissioner GARRETSON. Do you believe the slave was satisfied?

Mr. GLENN. No.

Commissioner GARRETSON. Was the free labor that he came in competition with satisfied?

Mr. GLENN. No; I would not think so.

Commissioner GARRETSON. Prior to the passage of this act, did the labor of this and other countries have any grounds for industrial unrest?

Mr. GLENN. In some instances, yes; in some instances, no.

Commissioner GARRETSON. Then there were men who had no grounds?

Mr. GLENN. I think so.

Commissioner GARRETSON. Labor men?

Mr. GLENN. I think there were men whose condition was good and whose condition was bad, probably, but general conditions were favorable.

Commissioner GARRETSON. In your opinion, has industrial justice prior to the passage of this act—we will put it all back of that—ever existed?

Mr. GLENN. Industrial injustice?

Commissioner GARRETSON. Industrial justice.

Mr. GLENN. No; I don't think anything was ever perfect. I do not think we will get the ideal conditions, but I think we should try to get as near the ideal condition as we could.

Commissioner GARRETSON. Then, in your opinion, is there any more industrial injustice existing since the passage of this act than before?

Mr. GLENN. I do not know what you mean by industrial injustice.

Commissioner GARRETSON. Well, is the laboring man getting all he is entitled to?

Mr. GLENN. In some instances, yes; in some instances, no.

Commissioner GARRETSON. What instances; could you cite one where he does?

Mr. GLENN. I should think that in a good many; I wouldn't say how many; I don't know how many, but I suppose there are industries in which the laboring man gets his share of what you might call the accumulation of the business. I think he would now in the train operators——

Commissioner GARRETSON. How is that?

Mr. GLENN. I think the train operators and the engineers, and the train operators—the men that operate the railroads.

Commissioner GARRETSON. Is the condition among the engineers on the railroads at the present indicative of the fact it will be so?

Mr. GLENN. The men that operate the engines believe so?

Commissioner GARRETSON. Yes.

Mr. GLENN. I do not believe he does.

Commissioner GARRETSON. Is he entitled to a belief in the matter?

Mr. GLENN. He certainly is; he is entitled to it as much so as anybody else, and probably more.

Commissioner GARRETSON. Isn't he asserting that right now?

Mr. GLENN. Yes; I think they are in some sections of the country.

Commissioner GARRETSON. In this city?

Mr. GLENN. Yes; I understand they are.

Commissioner GARRETSON. If he is entitled to a right in that direction, is his opinion entitled to as much credence as the opinion of his employers?

Mr. GLENN. Yes.

Commissioner GARRETSON. Then the present condition would not prove that industrial unrest was nonexistent in that craft?

Mr. GLENN. If he was satisfied he would not raise any objection, would he?

Commissioner GARRETSON. He is raising it all right.

Mr. GLENN. Yes; they are.

Commissioner GARRETSON. One of the main purposes of your organization you stated to be to see that law was applied as it exists?

Mr. GLENN. I said we had done that.

Commissioner GARRETSON. That is the way it was stated?

Mr. GLENN. Yes.

Commissioner GARRETSON. That is, the conformance of law you insist on?

Mr. GLENN. Yes.

Commissioner GARRETSON. Conformance by whom?

Mr. GLENN. By the public officials, see that public officials enforce law.

Commissioner GARRETSON. Do you have any instances in which the members conform to the law?

Mr. GLENN. Yes.

Commissioner GARRETSON. Do you bring any actions to see that the laws are enforced by them?

Mr. GLENN. You mean any actions in the courts?

Commissioner GARRETSON. Yes.

Mr. GLENN. We have done things. I don't remember—we do not take into the membership everyone that applies.

Commissioner GARRETSON. Oh, no; but have you ever instigated an action against an employer to make him conform to law?

Mr. GLENN. I do not know that any complaint was ever brought to the board of directors that an employer was violating the law.

Commissioner GARRETSON. Oh.

Mr. GLENN. We find we have not always agreed with all of our members all the time.

Commissioner GARRETSON. I wondered whether your interest in law applied to all alike.

Mr. GLENN. Yes.

Commissioner GARRETSON. To public officers and to your own members and to laboring men?

Mr. GLENN. It does. I do not think any cases have been brought where any members have done what you seem to be intimating.

Commissioner GARRETSON. Do you believe that so-called welfare work is philanthropy or good business?

Mr. GLENN. Good business and philanthropy, too.

Commissioner GARRETSON. No obligation rests on the employer?

Mr. GLENN. Certainly; he has got a moral obligation to treat all his men right.

Commissioner GARRETSON. None of your members ever class welfare work as philanthropy, do they?

Mr. GLENN. I do not know as they do. I don't remember hearing anyone express an opinion on that.

Commissioner GARRETSON. What was your attitude—you say you dwelt strongly, your organization being attached to compensation laws. What was the attitude of your organization and yourself personally toward the present compensation law of the State of Illinois after it had been passed by both houses?

Mr. GLENN. Some of the members thought that the committee that represented the association had not agreed to such provisions that were fair, or that it had agreed to certain provisions that were unfair to the employer, and asked the governor to veto it. Other members of the association asked him to sign it.

Commissioner GARRETSON. But did the association run a special train down there?

Mr. GLENN. Yes.

Commissioner GARRETSON. To protest against his signature?

Mr. GLENN. Yes.

Commissioner GARRETSON. Peculiar attachment to the compensation, wasn't it?

Mr. GLENN. I do not know why we should agree to a law that we did not favor. We favored the adoption of a compensation law.

Commissioner GARRETSON. Providing you did not compensate?

Mr. GLENN. No, we wanted to see compensation. We have done everything we could, even though we did not get the law we wanted at first. It was amended at the last session of the general assembly, and both the labor organizations and the association agreed to these amendments, and it is working very satisfactorily. We have done everything we could.

Commissioner GARRETSON. Then your hindsight was better than your foresight?

Mr. GLENN. No, our foresight was that there should be a compensation law in Illinois, and we introduced the first bill.

Commissioner GARRETSON. Your intermediate action was you did not want it because it was too strong?

Mr. GLENN. We got what we didn't want, but we tried to change it afterwards, and did change it.

Commissioner GARRETSON. You tried to kill it, didn't you?

Mr. GLENN. We tried to change, we didn't want to kill it.

Commissioner GARRETSON. The governor competent to change it?

Mr. GLENN. There were not 10 men in the legislature in either house read the bill when it passed.

Commissioner GARRETSON. Is one of your functions to educate, to conduct a school of instruction for legislators?

Mr. GLENN. I would be willing to do it if we thought we could do it.

Commissioner GARRETSON. There are instances of employers' and manufacturers' associations, are there not?

Mr. GLENN. I do not know.

Commissioner GARRETSON. What was your attitude toward the child-labor law, the attitude of your organization?

Mr. GLENN. Did not take any action at all.

Commissioner GARRETSON. Isn't it a fact you bitterly opposed them?

Mr. GLENN. We did not.

Commissioner GARRETSON. Individually if not——

Mr. GLENN. Me——

Commissioner GARRETSON. Individual members of your association.

Mr. GLENN. Some of them did and some of them were for it, and some very actively for it.

Commissioner GARRETSON. What attitude toward the 10-hour law for women?

Mr. GLENN. We did not favor that legislation.

Commissioner GARRETSON. Want to work women as long as you can?

Mr. GLENN. No, we did not want to do that, but I think some of the courts took the position that women ought to work 10 hours in a factory and 8 hours in a factory and go home and do a day's work after she got home. That is the way——

Commissioner GARRETSON. Your attitude gave fair familiarity with the thing in the courts, you carried it to the courts twice, the supreme court?

Mr. GLENN. Yes.

Commissioner GARRETSON. First the 10-hour law for women and the extension to women in mercantile establishments?

Mr. GLENN. The first time it went up it was the 8-hour law and it was obtained.

Commissioner GARRETSON. Through your efforts?

Mr. GLENN. Yes, through the efforts of the association.

Commissioner GARRETSON. Then in general the attitude of philanthropy of the organization is somewhat tempered by expense?

Mr. GLENN. I don't know how you mean, tempered by expense.

Commissioner GARRETSON. Why, if that law was costly for the employer or institutions who employ large numbers of women.

Mr. GLENN. Yes, but it has not been established that the law was philanthropy.

Commissioner GARRETSON. Oh; was it humanitarian?

Mr. GLENN. Well, I don't know. It must—some people must think that it was humanitarian. I don't know what they thought.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Weinstock wants to ask some questions.

Commissioner WEINSTOCK. Mr. Glenn.

Chairman WALSH. Did I understand Mr. Glenn to say some court had decided that a woman ought to work eight hours and then go home and do a day's work?

Mr. GLENN. I said that the decision of the supreme court in Illinois in that case would seem to indicate that the judge who handed down the opinion felt that a woman ought to, after she had worked 8 or 9 or 10 hours in a factory, ought to be able to go home and do a day's work for the men of the family.

Chairman WALSH. What is the title of the case, please, if you recall?

Mr. GLENN. I will give it to you.

ILLINOIS MANUFACTURERS' ASSOCIATION,
Chicago, July 28, 1914.

Hon. FRANK P. WALSH,
United States Commission on Industrial Relations,
Hotel La Salle, Chicago, Ill.

DEAR SIR: The decision of the Illinois Supreme Court in the women's 10-hour case to which I referred in my testimony the other day, was rendered on the 21st day of April, 1910. The case was W. C. Ritchie & Co. *v.* The State of Illinois.

Yours, very truly,

JOHN M. GLENN, *Secretary.*

Chairman WALSH. That is all.

Commissioner WEINSTOCK. In my absence from the room I understand you have made some statement from what I heard since I came back, relative to your opinion of the influence of the bill creating this commission. Will you be good enough to repeat that for me?

Mr. GLENN. The chairman stopped me, as I understand it.

Chairman WALSH. I stopped you, and stated the reason I did was because it probably would be testified to later. We are compelled to try to conduct these examinations along certain lines.

Mr. GLENN. I want to help all I can.

Chairman WALSH. If you will answer this question without reference to any rulings heretofore you will probably get what you desired in the first place.

Mr. GLENN. The agitation as to unrest was carried into the convention—the political conventions in 1912. The most inflammatory kind of talk was indulged in in all three of the conventions. Each one seemed to vie with the other as to how much they could rake up to censure—how much censure they could heap on industry; they were appealing to the voting class in that way.

Commissioner WEINSTOCK. Do you connect that with this particular bill creating this commission?

Mr. GLENN. The bill——

Commissioner WEINSTOCK. Just a minute. Pardon me. The question Mr. Garretson put at the time I entered the room—I gathered you held the act creating the industrial commission responsible for the agitation.

Mr. GLENN. I said no. I didn't think at the time the bill was passed creating the commission that there was the necessity for the investigation that there may be now; that I didn't think that the unrest at the time the bill was enacted existed that exists at this time. In other words, I rather was of the opinion that there was not any necessity for the passage of the bill at the time it was passed.

Commissioner WEINSTOCK. Well, for your information it may be well to explain that this commission was brought into life not through the action on the part of the authorities; the initiative was taken altogether by a group of publicists and sociologists.

Mr. GLENN. That is what I stated in my testimony. I stated the first commission wasn't confirmed. I have watched the history of the commission.

Commissioner WEINSTOCK. Let me ask whether your members deal with or recognize unions?

Mr. GLENN. Some members do and some do not.

Commissioner WEINSTOCK. Does your association as an association take any collective action of that sort?

Mr. GLENN. No, sir.

Commissioner WEINSTOCK. In other words, there are associations of employers not only in this country but abroad whose fundamental doctrine is not to recognize or deal with unions; is that the attitude of your manufacturers' association?

Mr. GLENN. No, sir.

Commissioner WEINSTOCK. It is left to the individual judgment of the member?

Mr. GLENN. We have dealt with the unions in legislative matters; we have never presumed when the Federal Government created a law that should create a commission that employers should be represented on there; that we had anything to do with who the Government named on the other side; and we have always sat down at the table with the labor unions if they were representing labor organizations.

Commissioner WEINSTOCK. I am not speaking of that sort of recognition—I mean with the matter of collective bargaining.

Mr. GLENN. We don't deal with that because, as I stated while you were out of the room, on account of the diversity of interests in the association, we could not very well deal with questions of that character. For instance, the association is made up of all kinds of manufacturers; some of them, as I stated a while ago, manufacture freight cars; some of them manufacture ladies' wearing apparel; some of them manufacture pig iron; some of them manufacture furniture for churches.

Commissioner WEINSTOCK. Well, it was brought out in the testimony yesterday—an association of restaurant owners were pledged among themselves, and put up a forfeit not to deal with or recognize unions. Now, is there any such situation in your organization?

Mr. GLENN. No, sir.

Commissioner WEINSTOCK. It is left to the judgment of the individual member, and he may or may not deal with the union as he prefers?

Mr. GLENN. Entirely.

Commissioner WEINSTOCK. Is there any penalty attached to one of your members recognizing and dealing with the unions and engaging in collective bargaining?

Mr. GLENN. No, sir; we have no prejudice against labor organizations or labor unions. Personally I think that labor organizations the way they are conducted now, is more or less an enemy to civilization. I don't see how the labor union and the church can exist forever. The labor organization can be of great benefit to its men, but I have been listening to the testimony, and I don't see how labor organizations can enforce their demands without violence. I have seen the question raised here as to whether it ever did participate in violence. I don't know. My experience has been a little broad as far as this community is concerned. I was in the newspaper business here for a long while. I have been in a great many strikes; I have seen a great deal of violence one way and another; I had more or less to do with the labor troubles that took place in 1886 here, and in 1894, and other times, and I don't see how labor organizations, the way they are constituted, can maintain their position without force, and I was surprised to hear the question raised here that it did not use force. The employer—I don't see any necessity for his guarding his property if there is not violence. The first act of violence is in the strike. They start the strike. I tried to put some men to work, and the labor organization tries to stop me. Then there is naturally a conflict, and the kettle calls the pot black, and vice versa, and there they go.

Commissioner WEINSTOCK. You heard the testimony of Mr. Fitzpatrick?

Mr. GLENN. Yes, sir.

Commissioner WEINSTOCK. And he takes the ground that offensive acts of violence were initiated by the employers, and if the workers engaged in violence it was defensive. What is your opinion on that score?

Mr. GLENN. How could that be? How could I take the initiative? Suppose I am running a plant and my men have struck, why should I introduce violence in the situation? What I am trying to do is run the plant. I try to get some other men if the old men won't come back. The first act of violence if the employer is honest and the unions are fair—the first act of violence must come from the men who go out whether organized or not organized.

Commissioner WEINSTOCK. Then you differ radically from the opinion of Mr. Fitzpatrick?

Mr. GLENN. I certainly do.

Commissioner WEINSTOCK. And you contend that the initiative in violence in labor troubles is taken on the part of the laborers?

Mr. GLENN. Yes; I should say that in 99 cases out of 100. I don't suppose all employers in the United States have got white wings or are perfect by any means, and I think human nature is the same in all classes of society. Some classes may be a little better informed and better educated and have better control over themselves than others, but human nature is the same one place as it is another.

Commissioner WEINSTOCK. You stated a little while ago in your opinion unionism is wrong as at present constituted. Will you point out for the information of this commission what you regard as the weak spot in unionism?

Mr. GLENN. Violence. That is the weakest place. If they don't get their way right off, smash something.

Commissioner WEINSTOCK. What is the remedy?

Mr. GLENN. Well, I suppose cooperation is the remedy. I have heard it discussed here. I have heard courts criticized here. I have heard suggestions made that maybe a commission might be appointed; I have heard them say, "Why could we not have a commission like the Interstate Commerce Commission?" The Interstate Commerce Commission slept 20 years. It has been months and months and months deciding a rate case that the people all over the country in the United States are on their ears waiting for the decision. How could you get along with a commission to adjust labor matters, when I had a plant in South Chicago or Deering, when I was waiting for this decision? It would be like the farmer praying for rain and the corn burned up and he turned it over and then it rained. It didn't do him any good.

Commissioner WEINSTOCK. Then, you haven't any faith I take it, Mr. Glenn, in the commission remedying the evil?

Mr. GLENN. I don't say that a commission could not be created that would remedy the evil, but I don't think you are going to get a benefit just by passing a law and creating a commission. In other words, the public has got it into its head, especially in our State for a score of years, that the way to correct a bad condition was to pass a law. Then they pass a law and go to sleep. We have so many laws in Illinois, that there is not a single citizen can go downtown without violating half a dozen. They don't enforce them. What you want to do is enforce laws. I have no doubt we have enough laws on our statute books now to take care of this situation to-day. The criticisms of the courts in some cases are just and in some are not. The courts in Illinois and around here are, generally speaking, all good. There may be occasional judges that are afraid of decisions, but that is human nature. You get a commission and you would have men on the commission that were afraid of their horses, just the same as judges. It is human nature. We can't correct everything by just passing a law and starting all over again every few minutes. Let's stick to one thing for a while. Let's scrap it out with the labor organizations. Mr. Fitzpatrick was big enough and broad enough to say awhile ago that maybe something would develop after awhile. I don't think all in Mr. Fitzpatrick is bad, by any means, just because I don't agree with him.

Commissioner WEINSTOCK. Well, you understand, of course, Mr. Glenn, that Congress has placed upon this commission a certain burden and a certain responsibility.

Mr. GLENN. Well, I don't think you gentlemen are to blame for that; I think some other people were.

Commissioner WEINSTOCK. As a member of the commission, Mr. Glenn, what, in your judgment, would be the best thing—if you were a member of the commission, what would you recommend to the Congress in the way of immediate action?

Mr. GLENN. Oh, I don't know. I would do just what you gentlemen are doing, and I would listen to everybody and get all the information I could, and then I would sit down and think. One great trouble with the people of the country is they never think—only about 60 per cent of them. The remark was made at the hearing the other day about the labor unions, that there was an apathy of about 60 per cent in the labor unions. That exists everywhere. That exists in almost all organizations. They talk about the primary, the direct primary. Why, they thought that the millenium was coming when they got the primary in Illinois. And what happened? Why, half of them, 60 or 70 per cent of them go to the polls and haven't the remotest idea who they are voting for, don't know at all.

I met a gentleman in Springfield last winter, and I asked him—saw him in the hotel lobby, and asked him what he was doing in Springfield. Well, he said he came down there, he came down to go before the senate committee on the minimum wage bill, and he wanted to go before the house committee on what is known as the Pinkerton bill, which is a bill that they have tried before a great many legislatures to get passed in Illinois, preventing the guarding of property in cases of strike.

Senator Harris was sitting right behind me. He may be interested in this story. He introduced this minimum wage bill. This gentleman lived in Evanston. Evanston is a purely residential community, made up of men that are employers, manufacturers, bankers, and educators. And he asked me where—who this man Harris was that introduced this bill. And I told him he was our senator. I happened to live in that district. Why, he said, he didn't know how that could be. He asked me next, "What business is he in?" I says, "He is an official of the typographical union." This man was a printer. He didn't see how that could be. Now, there he was, an intelligent citizen, prominent man, a man of means that didn't know—had voted for Senator Harris probably, and didn't know he had voted for Senator Harris, and Senator Harris had introduced the bill that he was down there to try to beat.

Now, that is the apathy. I don't know as you gentlemen care for such a long, drawn-out story as that. I don't want to waste your time. But it came up as a good illustration.

Commissioner WEINSTOCK. Have you any suggestions to make, Mr. Glenn, from the standpoint of the manufacturer, that would be likely to aid this commission in its work?

Mr. GLENN. Well, I think it would be well if the commission should bring out some kind of a plan by which there could be more cooperation between the men that run the plants and the men that work for them. I don't think that I will get good service out of a man if the man is working for me and he feels all the time that he is not getting his share. There is more or less envy in this world, and all that. But you have got to have your men satisfied to get the best results—there is no question about it. But you can't ever get this perfection where one lady won't feel sore at another lady because she has not got as good a hat as she has. That is natural.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Did you want to ask some questions, Mr. Delano?

Commissioner DELANO. I do. I would like to ask one question.

Chairman WALSH. Mr. Delano would like to ask you a question.

Commissioner DELANO. Mr. Glenn, do you believe in the supervision of corporations, of large corporations?

Mr. GLENN. By the Government?

Commissioner DELANO. Yes.

Mr. GLENN. Well, I believe that the best government is the government that falls as lightly as possible on the shoulders of its people. I don't believe in passing any more laws than are necessary to protect the rights of the citizen. I think that so far as corporations are concerned, a great many of them have been afraid of investigation, or afraid of having their affairs known, when they should not have been. And those that have stood for investigation and have been compelled to show up are much better satisfied than they thought they would be before the investigation or the showing took place. I think the average small corporation is very much opposed to having its affairs investigated. The big corporation that has its stock on the market, the more investigations and publicity it gets, why, the more water on its wheel.

Chairman WALSH. The question was, whether you, Mr. Glenn, are in favor of supervision of corporations by law.

Mr. GLENN. To some extent.

Commissioner DELANO. Do you think there ought to be any supervision of large trade-unions or labor organizations that have great power on the same theory I mean there should be supervision of corporations?

Mr. GLENN. Well, I was never in favor of the State government's recognizing the party organization. I don't know whether it would be a good thing for the State or Federal Government to recognize labor organizations any more than it would be right to recognize the church or the Knights of Pythias, or some of those organizations. You are getting in a complicated situation, if the Government is going to take cognizance of every organization that springs up. I don't think I have got any more rights than any other citizen, or that the Illinois

Manufacturers' Association has got any rights that should not be given to any labor organization.

Chairman WALSH. The question was whether you are in favor, or opposed to, the supervision of labor unions by law, by the State.

Mr. GLENN. I don't think I am.

Commissioner DELANO. That is all.

Commissioner GARRETSON. I want to ask you one question growing out of a statement you made.

Chairman WALSH. Mr. Garretson would like to ask one question.

Commissioner GARRETSON. You said, Mr. Glenn, that you believed the labor organizations as run are exclusive, you didn't see how they and the church could exist.

Mr. GLENN. Well, I said that they were antagonistic as a proposition, the church is based on love and the labor union is based on selfishness.

Commissioner GARRETSON. Let me ask you one thing, I assume from your strong religious feeling that you are somewhat familiar with these matters: Whose tables did Christ upset when He went into the temple?

Mr. GLENN. Well, I don't know.

Commissioner GARRETSON. Those of the money changers and those that sold doves—the banking and mercantile classes. He didn't say anything about laborers. And what statement did He follow it up with?

Mr. GLENN. They weren't there, were they?

Commissioner GARRETSON. Ah, I suppose they were.

Mr. GLENN. They are not in the church now.

Commissioner GARRETSON. He was a laboring man, and He was there. What did He say after that, addressed to those men?

Mr. GLENN. Well, you have got to let me think a little bit. I don't know. You answer.

Commissioner GARRETSON. "I have called Mine house a house of prayer, but you have made it a den of thieves."

Mr. GLENN. Well, are you going to apply that to the men that are in the industries now?

Commissioner GARRETSON. Christ applied it to those classes as represented there. Is the labor union——

Mr. GLENN. Do you think Christ is in the Brotherhood of Engineers?

Commissioner GARRETSON. I don't think He was in the Brotherhood of Engineers, but I think He was in the brotherhood of man.

Mr. GLENN. So do I. I will agree with you on that.

Commissioner GARRETSON. Good. Where is the laboring man of the country more at variance with the church than the lawyer? And the church is wide enough to cover all things that are decent, that are human, that are spiritual. Why can't the church and the union live side by side?

Mr. GLENN. They ought to be able to.

Commissioner GARRETSON. You said they could not, you did not believe, why?

Mr. GLENN. I said on the present basis, because the labor union is founded on selfishness.

Commissioner GARRETSON. And the employers can live along with the church because they are founded on nonselfishness?

Mr. GLENN. Charity.

Commissioner GARRETSON. That is all, Mr. Glenn.

Chairman WALSH. Is there any other questions that any of the commission want to ask?

That is all. Thank you, Mr. Glenn.

We will now stand adjourned until 2 o'clock this afternoon, meet here at 2 o'clock this afternoon sharp.

(Whereupon an adjournment was taken until 2 o'clock p. m. of the same day, Thursday, July 23, 1914.)

AFTER RECESS.

Now, the hour of 2 o'clock p. m. having arrived, the commission met pursuant to adjournment.

Present, same as before.

Chairman WALSH. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Is Mr. Insull here?

TESTIMONY OF MR. SAMUEL INSULL.

Mr. THOMPSON. Give your name.
Mr. INSULL. Samuel Insull.
Mr. THOMPSON. Your business address?
Mr. INSULL. 21 West Adams Street, Chicago.
Mr. THOMPSON. And your business?
Mr. INSULL. My business is to run public utilities companies. I am president of the Commonwealth Edison Co., of Chicago; president of the Public Service Co. of Northern Illinois; chairman of the board of directors of the People's Gas Light & Coke Co., of Chicago; chairman of the executive committee of the various elevated railways running in Chicago; president of a holding company known as the Middle West Utilities Co. that operates in a number of different States, mainly in the Middle West, particularly in the Southwest and the Eastern States.
Mr. THOMPSON. For how many years, Mr. Insull, have you been connected with public-service corporations in this community?
Mr. INSULL. In this community about 22 years I have been.
Mr. THOMPSON. How many years have you given to that form of industry elsewhere?
Mr. INSULL. Practically the best part of 30 years.
Mr. THOMPSON. You employ a great many men in these various corporations?
Mr. INSULL. Yes; in the aggregate about 18,000.
Mr. THOMPSON. Some of these men members of organized labor, if you know?
Mr. INSULL. Some of them are, I presume.
Mr. THOMPSON. And some are unorganized?
Mr. INSULL. Yes.
Mr. THOMPSON. In regard to the managing and operating of these public-utility companies, Mr. Insull, you have been called upon, necessarily, to give some thought to the labor problem?
Mr. INSULL. Yes; I have given some thought, not so very much, as I have not had very much trouble.
Mr. THOMPSON. Have you any opinions with reference to the question as to whether it is advisable or inadvisable for the employees of public-service corporations to be members of organizations, ordinarily called unions, or not?
Mr. INSULL. That is a pretty broad question, and might be answered by, if I may be allowed, asking you a question. Do you refer to the college graduate or do you refer to the common day laborer or do you refer to the mechanic who is learning his trade?
Mr. THOMPSON. I refer more particularly, Mr. Insull, to that part of the force of such companies as are engaged in operating them, like on the elevated roads, the motormen, the conductors, the gatemen; take the men who work in the lighting and heating plants.
Mr. INSULL. Now——
Mr. THOMPSON. In other words, more particularly the operating force as such.
Mr. INSULL. Well, the operating force includes all the men whom I have specified.
Mr. THOMPSON. Now, Mr. Insull——
Mr. INSULL. I want to answer your question, but I want to get a specific idea.
Chairman WALSH. First, let us apply it to mechanics.
Mr. THOMPSON. Take, the chairman says, the question of mechanics in the shops and service.
Mr. INSULL. In the Commonwealth Edison Co. we have never had, so far as I know, any serious collective trouble with our mechanical forces engaged in operating our stations. On the other hand, the wage schedule, I think, of all classes of what you would call operating help in the elevated railroads are union men, and their scale of pay has been adjusted by negotiation with the officials of the union they represent.
Chairman WALSH. The question was, from the employing standpoint, do you consider it advisable or inadvisable to deal with the labor unions as such?
Mr. THOMPSON. In public-service corporations.
Mr. INSULL. No, sir; I do not.
Mr. THOMPSON. What is your reason for feeling that it is inadvisable to deal with labor organizations in public-service corporations?

Mr. INSULL. Because we are in a line of business that is an absolute necessity to the community, and we are under obligations, ordinance obligations, to perform the services we are engaged in, and our duty is first to the community to see that that service is properly supplied.

Mr. THOMPSON. How, in your opinion, does the organization of employees in a public-service corporation affect injuriously the performance of the public duty by the corporation?

Mr. INSULL. Well, in case of strikes. If we had the Commonwealth Edison Co. run what is commonly called a closed shop, in case of strikes we would be at the mercy of the union as to whether we could perform our duty to the public. If they should decide not to work and we should be unable to get other employees, a large portion of the wheels of industry would cease in this community. The operation of transportation would cease in the community; a great number of the newspapers would cease publication; the telephone service would be very seriously crippled; and I might go on and mention a thousand and one other things that would be brought to a standstill. Our function is a semi-governmental function.

Mr. THOMPSON. In your opinion, then, or is it your opinion, that the organization of employees in a union leads to more strikes than if the employees are unorganized?

Mr. INSULL. We have never had any strikes, I think, except one time we had a slight strike in our operating organization. We have had no strikes outside of that.

Mr. THOMPSON. The question I wanted to ask—the point I want to get at is this: Your opinion is that the service should not be organized, because in case of strikes it would lead to such disastrous results to the community as such?

Mr. INSULL. Yes, sir.

Mr. THOMPSON. Now, the question is, Does the organization of labor lead to more frequent strikes than labor that is not organized?

Mr. INSULL. Well, the best evidence it does in our particular case is we are not troubled with strikes.

Mr. THOMPSON. I would like to get at the basis on which you formed the opinion that it is better not to deal with organized labor in public-service corporations.

Mr. INSULL. Well, I have given you one basis. I can give you another basis. There is no demand for it in our particular line of business. Now, I am talking of electric light and power business and of the gas business. I am not talking of the transportation business.

Mr. THOMPSON. Well, I am not seeking any one specific line of public service, Mr. Insull; just the field generally. In other words, I do not want to examine you as to your particular relation in these light and heating companies.

Mr. INSULL. Yes.

Mr. THOMPSON. Strikes do occur among unorganized employees, do they not?

Mr. INSULL. Yes. Oh, yes.

Mr. THOMPSON. And a strike among unorganized employees would be just as bad, as long as the strike was effective, as if the employees were organized?

Mr. INSULL. Absolutely.

Mr. THOMPSON. And if it were true that by reason of the organization of the employees more permanent agreements could be made with the help, say, not alone of these public-service corporations, then it would be advisable to deal with them; that would be true, would it not, Mr. Insull?

Mr. INSULL. Not necessarily so, sir.

Mr. THOMPSON. Well, if such were the case?

Mr. INSULL. Not necessarily so.

Mr. THOMPSON. Well, what exception, Mr. Insull, would you make to that?

Mr. INSULL. Why, our ability to perform our obligations to the public would be subject to the control of the labor organizations.

Mr. THOMPSON. Then, the fact that the labor organization, if it existed, would divide the power and authority in running the public-service corporation—that would be a grave danger?

Mr. INSULL. I think it would be. Mind, the question has never arisen that I have any knowledge of in our particular business.

Mr. THOMPSON. Do you believe that there should be any special regulation of the labor problem in public-service corporations by the Government, as distinguished from other industries?

Mr. INSULL. It is a very high—I might explain, if I may. It is a very high-paid class of service. The aim, our aim, is to get our people on monthly pay

rolls. Part of the contract of service is a system of liberal pension. Part of the arrangements that we have with them is to try to interest them as proprietors in the securities of our companies; to teach them how to save their money, so that they will have a stake in the property that they are working for and in the community in which they are working.

The average pay of our men, I think, at the present time in the Commonwealth Edison Co. is somewhere between $60 and $70 a month, of the men on the monthly pay roll. I do not happen to know—have in mind—the exact proportion on weekly pay roll, but it is relatively small. We have about 4,800 employees. Of that number 3,179 employees are eligible to subscribe to a fund that eventually would make them stockholders of the company. Of that 3,179, 1,983 are in process of becoming part proprietors of the corporation they are working for.

Now, that is my answer as to how I believe in handling the public-service proposition so far as labor is concerned. I believe in making them proprietors. I believe in their having a stake in the property, which also means a stake in the community. And I believe in doing that with them as a matter of contract right and not as a matter of favor. I believe that the cost of the products—that is, the cost of the energy we sell—should cover items that will take care of the men engaged in the business in old age. I think the cost of the product of any business should cover that item. I believe in having these things arranged as a matter of contract with employees. I do not think the question of labor difficulties or whether a man is a member of a union or not ever arises if you are dealing with people under those circumstances. Of course, you can't do it in every business. Do I give you my point of view?

Mr. THOMPSON. You do.

Chairman WALSH. No; I don't exactly understand it. I think the question was whether or not you thought it was desirable to have some sort of governmental supervision——

Mr. INSULL. Oh.

Chairman WALSH (continuing). Over labor unions in industries such as yours, as distinguished from ordinary industries. Wasn't that the question?

Mr. THOMPSON. No; there was just one little difference there, leaving out labor unions, Mr. Chairman—supervision over labor unions in public-service corporations.

Mr. INSULL. Well, I am not familiar with that portion of the public-service commission bill of the State of Illinois, but I am under the impression that the commission has more or less control over us on that subject. They have control on everything, so I presume it would cover that.

Mr. THOMPSON. Then you have got no definite opinion on that subject?

Mr. INSULL. Necessarily, I can not have any different opinion when I have been dealing with the company 22 years, in the Commonwealth Edison Co. and its predecessor company, and that question has never arisen. Our people are reasonably satisfied. I am talking about operating people. I only know of two strikes of any consequence. We have had strikes with wiremen who were building, but that is not necessarily a part of our business. It is not performed by all public-service companies in all cities, and we have had strikes with men engaged on our overhead system. Those are the only two strikes that I know of.

Mr. THOMPSON. There is an opinion, Mr. Insull, among a large portion of the community that there is a great deal of industrial unrest existing. If in your opinion such does exist, what are its causes and what would you suggest as remedies for it? This is beyond the exact field of your company.

Mr. INSULL. I could only speak so far as this community is concerned. The main cause of industrial unrest in this community since I have been here has been sympathetic strikes. That has been the main cause of the trouble. I do not know. They may be justified or not, but as an outsider, as an observer, it strikes me that has been the main cause of trouble.

Mr. THOMPSON. What do you mean by sympathetic strikes?

Mr. INSULL. What is ordinarily meant by sympathetc strike, when a union goes out on a strike and another union goes out on strike because the first union goes out on a strike.

Mr. THOMPSON. In your opinion, the major portion of the strikes in Chicago has been of a sympathetic character?

Mr. INSULL. I think so. The worst strikes have been naturally in the building trades. Sometimes they are jurisdictional in character, one union strikes

because another man is doing what he thinks is his job, and the poor investor has to pay for it.

Mr. THOMPSON. Have you got any suggestions as to a remedy to be used in either a sympathetic or a jurisdictional strike?

Mr. INSULL. Oh, I think if we could get some arbitration on those things that it would be very desirable—general arbitration.

Mr. THOMPSON. Then you believe generally in arbitration and conciliation?

Mr. INSULL. Oh, absolutely. In the case of the elevated roads, within the last year, there has been not a dispute, but a contract on labor had expired, and the parties to the contract could not agree and provision was made for arbitration. It never got quite as far as arbitration, but provision was made, and the thing was settled satisfactorily on both sides.

Mr. THOMPSON. Do you think that a Federal industrial council with power to investigate the facts in any labor contract, and the power to mediate and conciliate and arbitrate, if asked by the parties, would aid in settling any of this industrial unrest?

Mr. INSULL. If it were a great national affair it might do some good. Any body of any character, governmental or otherwise, that comes in and temporizes between parties who are acting in passion, such bodies do good; but in dealing with local affairs the thing would be over and forgotten before it were possible for a Federal board to get around to its consideration.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Do you want to ask Mr. Insull any questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes; I would like to ask a question. This commission has had before it in various parts of the country in which we have met, men in various walks of life and I asked a number of them this question—those particularly who are interested in public utilities—as to what their personal opinion was as to the public utility being owned by the people. What is your opinion on this subject?

Mr. INSULL. Well, my opinion on that subject—it is the difference between whether it is privately owned and publicly owned, is the difference between the Government official without the incentive of personal gain performing certain duties and the business being run on a basis of the highest possible efficiency with a view of getting a profit on the money invested. I don't think under Government ownership that you can possibly get as high a class of efficiency, as low a cost of production, and as low a selling price to the public as you can under private ownership, and then neither do I think you can—in my own line of business that is borne out by experience the world over. You take in a new line of business, you can't possibly get the development of that business with Government ownership that you could get under private enterprise and private ownership.

Commissioner O'CONNELL. Bring it a little closer.

Mr. INSULL. I am speaking of the electrical business.

Commissioner O'CONNELL. Bring it closer to home. In the matter of the elevated railroads at Chicago being owned by the citizens of Chicago, by the city, what is your opinion on that?

Mr. INSULL. Why, it is a little close to home, Mr. Commissioner, and I don't want to be put in the position of public criticism.

Commissioner O'CONNELL. You don't need to answer if you don't want to.

Mr. INSULL. I will answer it in the way I think will be satisfactory. I will answer by saying if you will examine into the efficiency of operation of certainly one of the services—public services rendered to the citizens of Chicago by the authorities, I think, and compare it with a similar enterprise privately owned, I think you would come to the conclusion the same as myself, that it would not be to the advantage of the citizen for the elevated railroads of Chicago to be owned and operated by the city of Chicago.

Commissioner O'CONNELL. The city of Chicago owns and operates its own water plant, does it not?

Mr. INSULL. Yes, sir.

Commissioner O'CONNELL. Is that operated as cheaply, do you think, and as well managed as it would be under private ownership?

Mr. INSULL. No, sir; I don't think so. I would rather not get into that kind of a discussion, but I don't think so. I think the facts in the annual report will bear that out.

Commissioner O'CONNELL. You say you have a plan of pension?

Mr. INSULL. Yes, sir.

Commissioner O'CONNELL. Is that a printed form?

Mr. INSULL. Yes, sir.

Commissioner O'CONNELL. Can you file that with the commission?

Mr. INSULL. I will be very glad to file it. I have it in two of my corporations. I will be glad to give you any explanation of them.

(The papers so presented were marked "Exhibits 1, 2, 3, 4, and 5, Samuel Insull, July 23, 1914."

Insull Exhibit No. 1, circular letter dated July 15, 1914, addressed to the employees of the Commonwealth Edison Co., of Chicago; Insull Exhibit No. 2, entitled "Rules and Regulations Governing Employees' Savings Fund of Public Service Co. of Northern Illinois, 1914"; Insull Exhibit No. 3, entitled "Service Annuity System of Public Service Co. of Northern Illinois," in effect December 1, 1913; Insull Exhibit No. 4, entitled "Rules and Regulations Governing Employees' Savings Fund of Commonwealth Edison Co., 1914"; Insull Exhibit No. 5, entitled "Service Annuity System of Commonwealth Edison Co.," in effect January 1, 1912, were all submitted in printed form.)

Commissioner O'CONNELL. As I understand it, in the elevated service there you have contractual relations with your employees?

Mr. INSULL. Yes; that was the situation when I came in control of the property.

Commissioner O'CONNELL. In the electric concern, you have not?

Mr. INSULL. We have not.

Commissioner O'CONNELL. Under the one situation of the elevated men, they meet you in conference and arrange for hours and wages and conditions of employment and all that?

Mr. INSULL. Yes, sir.

Commissioner O'CONNELL. How are the conditions and wages and hours arranged in the other departments, where that does not exist?

Mr. INSULL. That is arranged in conference between myself and my heads of departments and it is on a liberal basis.

Commissioner O'CONNELL. But the employees are not taken into conference in the matter?

Mr. INSULL. No, sir; if anyone is dissatisfied he would make a complaint and it would be adjusted. We have a regular committee to deal with all that class of things. Theoretically it comes to me for approval; the practice is it is dealt with by the committee of heads of departments and foremen and men of that character.

Commissioner O'CONNELL. How many people are working in the electric-light end of the business you are engaged in?

Mr. INSULL. In the electric end there is 4,870 and in the gas 4,543, and in the elevated 4,048, and in the suburbs around Chicago in another corporation called the Public Service Co. 2,017.

Commissioner O'CONNELL. What I would like to get at is how with 4,000 employees in your electric department, if one of these employees has been discharged, either justly or unjustly, he feels unjustly, how does he proceed to have his case adjusted or brought before you or the proper party?

Mr. INSULL. Well, he could come—he would appeal to the man next in charge, to the foreman, and he would go on up until, if he were dissatisfied he could come right to me. I have got a case right on my desk of a man that feels he has not been properly treated. And I will call a conference of everybody interested and listen to their story, and listen to his story. Of course, we have so little of that that it is a rare thing for anything to come to my attention.

Commissioner O'CONNELL. Well, you present quite an anomoly in the fact that you have one large division of your interests in which you are dealing direct with employees, and another the reverse situation.

Mr. INSULL. Well, the reason is I found that condition when I took hold of the elevated roads. I have never made any attempt to disturb it. It worked reasonably well there, and what is the object, if a man is busy, in disturbing a thing that works reasonably well?

Commissioner O'CONNELL. Have your employees, or have you in connection with your businesss, an insurance or sick organization among the employees in the shops where they pay weekly sick benefits to each other, and contribute a small sum per week or month into a fund, or something of that kind?

Mr. INSULL. We take care of most of that ourselves. A man who is on monthly pay roll, providing he gets the company's doctor certificate is entitled to so much lay off during the period of sickness. I do not know that exact period now. I would be very glad——

Commissioner O'CONNELL. Is it covered by this?

Mr. INSULL. I don't think it is covered in that, but I will be very glad to cover it, any questions you ask I will be very glad to cover by memorandum after.

Commissioner O'CONNELL. I would be very glad if you would furnish the rules and regulations you have regarding that.

Mr. INSULL. Yes. I think, if anything, we would be criticized for liberality in connection with matters of that kind.

Chairman WALSH. Mr. Weinstock, you would like to ask a question of Mr. Insull? Would you please speak a little louder so that they can hear you at the other end?

Commissioner WEINSTOCK. Yes.

There are those, Mr. Insull, who take the position that one of the remedies for industrial unrest, so far as public utilities are concerned, is public ownership of public utilities. They seem to believe that the workers would be likely to receive better conditions, better wages, better hours, under public ownership than they do receive under private ownership. You have expressed the opinion that in your judgment public ownership would make for a lessened efficiency in public service—in public-utilities service. Well now, admitting that, granting that public ownership of public utilities would mean a lessened degree of efficiency, and let us assume that that would be a cost that we would have to pay for public ownership, might it not be pointed out that on the other hand that cost would be more than compensated for in this, aside from the condition of the workers, that much of our public graft and public dishonesty has been due to the purchase and sale of public franchises, which under public ownership of public utilities would be made impossible, and that therefore the advantage to society on the whole, despite the fact that there may be a lessened efficiency, would be along the lines of a higher state of civic morality?

Mr. INSULL. Well, that is a highly argumentative question, that it is very difficult for me to answer unless I have it right before me to reply to.

Commissioner WEINSTOCK. Well, I will put the question——

Mr. INSULL. But I will try to answer it.

Commissioner WEINSTOCK. All right.

Mr. INSULL. I think as long as to err is human that you will have public and private dishonesty. You will have lots of it until the community and the people are educated to a higher appreciation of their duty as citizens. Personally, I very much question whether there is such a universal graft, such universal graft in connection with the granting of franchises, as is assumed by your question. My experience does not lead me to that conclusion.

Commissioner WEINSTOCK. Those are matters of history in this Republic, that there has been much graft which always accompanied it, from New York to San Francisco.

Mr. INSULL. Oh, I am not saying that. Yes.

Commissioner WEINSTOCK. In the purchase and sale of public franchises.

Mr. INSULL. Yes, and there has been in other matters, too.

Commissioner WEINSTOCK. Yes; but is it not true that the difference between the high degree—that one of the chief causes for the difference in the high degree of honesty in public officials, say in Australasia, where all the public utilities are publicly owned, and the general disrepute of many officials in this country is due to that very matter of privately owned public utilities?

Mr. INSULL. No. If you will excuse the criticism of the answer, I think it is a higher appreciation of the duties of the citizen, if such is the case.

Commissioner WEINSTOCK. Well, is it or is it not the fact——

Mr. INSULL. I am getting into an argument, and I only want to answer your questions.

Commissioner WEINSTOCK. Is it or is it not a fact that in proportion as we can remove temptation to do wrong, in that degree we will find a higher degree of citizenship?

Mr. INSULL. That is so, but you are going to vastly increase the proportion of temptation to do wrong. You are going to change, if I understand you to mean that in asking the question, that it would be advantageous if the local public utilities could be publicly owned—if that is your position you are going to change what we will call the striking cases or headline cases of graft to the little peculating cases on a far more extensive scale.

Commissioner WEINSTOCK. You mean you would have much petty graft?

Mr. INSULL. Yes.

Commissioner WEINSTOCK. In place of less wholesale graft?

Mr. INSULL. I am assuming in your statement that there is a universal wholesale graft. I do not agree with you. I think there has been in different times, but I don't think it is so at this time.

Commissioner WEINSTOCK. Will you point out, for the information of this commission, Mr. Insull, what are the advantages and disadvantages as you have seen them in individual bargaining and in collective bargaining, as it were?

Mr. INSULL. Well——

Commissioner WEINSTOCK. You are operating both ways, so you are able to pass opinions both ways. You do collective bargaining in one branch of your work and individual bargaining in another branch of your work; therefore, you ought to be a very important authority on that subject.

Mr. INSULL. We do individual bargaining with a class in one business, with a class of employees that are much higher, have a much higher order of intelligence.

Commissioner WEINSTOCK. That is, you do individual bargaining?

Mr. INSULL. Individual bargaining with those, I assume you call where we do not deal with the union; we call that individual bargaining?

Commissioner WEINSTOCK. Yes.

Mr. INSULL. We do collective bargaining in other corporations where the class of men we employ are more in proportion, men that are engaged in some kind of manual labor. I think that is probably the distinction. Any institution that has over 3,000 employees on its monthly pay roll whose average pay is between $69 and $70 a month would be considered a pretty high order of intelligence, or average intelligence—3,000.

Commissioner WEINSTOCK. Well, I gather, then, from your statement, Mr. Insull, that as a matter of choice, having at heart the common good, that you would not establish collective bargaining for all or individual bargaining for all, but that you would differentiate and that under certain conditions you would think collective bargaining to be the preferred method under certain conditions, and that individual bargaining is the preferred method under certain other conditions?

Mr. INSULL. I think that is probably my point of view. Naturally we, all of us, apply the personal element to this. I have never needed any collective bargaining myself. I started as low down in the scale of wages as anybody, probably receiving not any more per week than the lowest paid immigrant landing on these shores receives per day. I have not needed any collective bargaining.

If you look up the men who achieve in any line of business, not necessarily men who achieve the positions that you gentlemen have achieved and which it has been my good luck to achieve, but you look at the men lower down in the scale; if they are men of intelligence they do not need any collective bargaining. But on the other hand I can not forget that I was brought up in a country district where the wages of the agricultural laborer were only about $1.75 a week. I know that their condition was improved by collective bargaining. Any man who is engaged in that kind of work, all under one organization, he is engaged in collective bargaining. He can be the laborer or the college graduate if he so wishes, also engaged in collective bargaining, but they must do it on the same basis of respect for the laws of the land. That is the only difference, gentlemen.

Commissioner WEINSTOCK. Do you think, then, taking the Nation as a whole, taking the conditions as we find them to-day, that labor as a whole would be better off under a system of individual bargaining or better off under a system of collective bargaining?

Mr. INSULL. I think that is almost an impossible question to answer. I am candid enough to say that there are some classes of labor that I think are decidedly better off.

Commissioner WEINSTOCK. Where do you draw the line?

Mr. INSULL. I think that when a man who has habits of thrift and who has the ambition to achieve a position of independence, when he gets to a point that he has got a stake in the community in which he lives he begins to get restive under collective bargaining.

Commissioner WEINSTOCK. That is, you think that collective bargaining would have a tendency to hold him down?

Mr. INSULL. Yes; it would; collective bargaining, in my judgment, must of necessity take care of the average intelligence, not of the maximum or the minimum intelligence. It does take care in a way of men theoretically.

Commissioner WEINSTOCK. Inferentially, then, I assume, Mr. Insull, that you would say to the workers, "If you are above the average in ability and in ambition and in energy, do your own individual bargaining"?

Mr. INSULL. Yes.

Commissioner WEINSTOCK. And if you are below, if you are only the average, then do collective bargaining?

Mr. INSULL. Yes; I think I would say that. I am talking now irrespective of what I am doing myself in my corporations that I control.

Commissioner WEINSTOCK. There has been a great deal talked about collective bargaining in this country—various branches of industry in various parts. As an employer who is general in his sphere and as a man who has a broad horizon, an unusual opportunity for observation, you think that the country, as a whole, has been helped or hindered by this collective bargaining that prevails in so many directions?

Mr. INSULL. I do not know that I can speak with any authority on that subject. During my career I have met the leaders of a great many of the labor unions, the large labor unions of this country. And I have thought them men of high intelligence and men with the highest sense of the duties of citizenship. On the other hand, during my career it has been my misfortune to have to deal at times with just the opposite. I do not know whether the one balances the other. If the millenium has arrived, if it were not human to err, why I should say that the country as a whole had not suffered by collective bargaining. There have been times when particular parts of the country have suffered very much, and there have been times when Australasia, for instance, suffered very much from the collective bargaining when there has been a very serious blot on its record.

Commissioner WEINSTOCK. What, in your opinion, would be the condition, say five years hence, if it were possible somehow to wipe out organized labor? Would the condition, in your judgment, be better or worse for the average worker? Of course, we are dealing only with opinions now.

Mr. INSULL. Oh, you are dealing with a thing that is impossible. That is a thing you can't imagine.

Commissioner O'CONNELL. You don't think it is possible for that to come to pass?

Mr. INSULL. Oh, no; not at all.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Do you want to ask a question? Mr. Garretson would like to ask a question.

Commissioner GARRETSON. If I didn't misunderstand you, you expressed a belief that employees of public-service corporations should be subjected to certain limitations in the matter of organization. Do you believe there is any obligation toward the public that should be made to rest more strongly on the employees of public-service corporations than on the owners of public-service corporations?

Mr. INSULL. Abstractly, no; but——

Commissioner GARRETSON. Concretely, then.

Mr. INSULL. No; but the fact is that the employee does not consider in practice the obligation of the corporation to the community, as a rule.

Commissioner GARRETSON. Is there any greater obligation on the man to do that than on the owners?

Mr. INSULL. No; except one thing. The owners, or rather the men who run the property and represent the owners—of course, I am in no sense the owner of these properties I run. The Commonwealth Edison Co., for instance, has upward of 2,000 owners.

Commissioner GARRETSON. You are the representative of the owners?

Mr. INSULL. I represent the owners. It is my duty to look particularly after the question of the operation of obligation of the corporation to the community. I have been educated to do that. The employees lower down haven't. I am the employee who has.

Commissioner GARRETSON. Does education create an obligation that does not in equity exist?

Mr. INSULL. No, sir.

Commissioner GARRETSON. Then the obligation of you and the employee to the public is exactly the same?

Mr. INSULL. Theoretically; yes, sir.

Commissioner GARRETSON. Actually?

Mr. INSULL. All right, actually. But he don't fulfill it as a rule.

Commissioner GARRETSON. The question is not of fulfillment just yet; but if you take away from those men the power of organization, assuming for a moment it may be a benefit, don't you place a mightier weapon in the hands of your employers than the ordinary employee who is in the public service has?

Mr. INSULL. How did I understand that?

Commissioner GARRETSON. Take away the power or right of organization.

Mr. INSULL. Yes; if you do take it away.

Commissioner GARRETSON. Certainly; and you express yourself in favor of taking it away?

Mr. INSULL. No, sir; I did not.

Commissioner GARRETSON. Then I misunderstood you. What was the first question I asked you, if you did not express your belief that the employees of public-service corporations should not be permitted to organize like other employees?

Mr. INSULL. I have never taken it away from any of them.

Commissioner GARRETSON. I misunderstood you.

Mr. INSULL. I am operating both what you would call a closed shop and an open shop.

Commissioner GARRETSON. I am not talking about a closed shop at all, but the right to organize and the right to present a demand precisely as other employees present it. That is, the public-service employees.

Mr. INSULL. I have never taken that away from any employee.

Commissioner GARRETSON. Oh, no.

Mr. INSULL. I haven't any idea of doing it.

Commissioner GARRETSON. I mean, do you believe in legally doing it?

Mr. INSULL. Legally doing it? No.

Commissioner GARRETSON. By legislative enactment.

Mr. INSULL. Oh, no, no, no, no, no.

Commissioner GARRETSON. Well, that was where that misunderstanding came in.

Mr. INSULL. No.

Commissioner GARRETSON. Because that opinion has been repeatedly expressed, that public-service employees should be curbed in directions where others were not.

Mr. INSULL. No; I don't think that is the way to settle that question.

Commissioner GARRETSON. You referred to the fact that one of the things that your employees enjoyed—and you recited it as a wage benefit—was the prospect of a liberal pension.

Mr. INSULL. Yes, sir.

Commissioner GARRETSON. That pension is wholly dependent upon tenure of service, is it not?

Mr. INSULL. Yes, service; yes.

Commissioner GARRETSON. Can any pension dependent upon tenure of service be considered as a wage element?

Mr. INSULL. I consider it so.

Commissioner GARRETSON. Unless it is guaranteed to the man and collectible as wages are. If he leaves your service he gets nothing.

Mr. INSULL. No; he gets nothing.

Commissioner GARRETSON. No matter for what cause, of his own volition or yours?

Mr. INSULL. Yes.

Commissioner GARRETSON. Therefore can it be legitimately considered as a wage element?

Mr. INSULL. Well, that is a subject of argument that you people and our people have been arguing for years.

Commissioner GARRETSON. Well, your opinion is that it can?

Mr. INSULL. Yes, sir.

Commissioner GARRETSON. Well, that is all I wanted on that subject.

Now, how is it—you said that a large number of your men were very highly paid?

Mr. INSULL. Yes.

Commissioner GARRETSON. On the monthly system?

Mr. INSULL. Yes.

Commissioner GARRETSON. Did I understand you that these monthly men were paid $80 a month?

Mr. INSULL. Yes; that would come right down, you know—our aim is to put everybody, possibly, on monthly pay roll.

Commissioner GARRETSON. Yes.

Mr. INSULL. That we possibly could. I haven't got the exact figures on monthly pay roll, but I will be very glad to file it with you.

Commissioner GARRETSON. Well, in general, what is your largest class?

Mr. INSULL. Well, in general, we have got, out of 4,870 people on our pay roll last week—on the 1st of July—3,179 have been working for us over a year, and a very large proportion of that 3,179 would be monthly employees.

Commissioner GARRETSON. And what would the larger number of monthly men draw as a monthly wage?

Mr. INSULL. Well, I would have to have that figured out for me. I happen to remember seeing on my desk in the last few days that the average pay of our monthly men was $70 a month.

Commissioner GARRETSON. Average pay of the monthly men is $70?

Mr. INSULL. Yes; that would be men, women, and young people.

Commissioner GARRETSON. That would mean that the highest man—that average would be created by a few high and many lower?

Mr. INSULL. No, no. I would think that that—I have never looked into it from that point of view.

Commissioner GARRETSON. Well, take the average wage.

Mr. INSULL. I would be very glad to give you that information later on, but my general impression would be that our monthly men, if you leave out, if you like, the officers and simply take from the foreman or superintendents down, our monthly men would show pretty high.

Commissioner GARRETSON. Wageworkers?

Mr. INSULL. Yes; wageworkers.

Commissioner GARRETSON. As against salaried men?

Mr. INSULL. Well, any man on monthly pay roll is looked upon as a salaried man.

Commissioner GARRETSON. Well, some men who draw salaries object to being called wageworkers.

Mr. INSULL. Well, I don't.

Commissioner GARRETSON. I don't, either.

Mr. INSULL. I work for wages, and expect to be paid.

Commissioner GARRETSON. Now, do you think that for the average man that knows the business he follows——

Mr. INSULL. Yes, sir.

Commissioner GARRETSON. That $70 is a high wage?

Mr. INSULL. Oh, no; that is not a fair statement. I said the average pay of our monthly men. I did not say the average pay of our monthly men who know the business. That includes office boys; that includes students whom we—whom for half of their time we contribute part of their tuition to learn the business.

Commissioner GARRETSON. Well, does your average mechanic get more money than that?

Mr. INSULL. Oh, yes.

Commissioner GARRETSON. Monthly men?

Mr. INSULL. I think so. I will be very glad to have it figured out for you. I would not attempt to answer it here, but I would be very glad to have it figured out for you and file with you the wages of any branch of our work that you want filed.

Commissioner GARRETSON. I would be very glad to have that, and as complete as you can make it.

Mr. INSULL. If you will just tell the secretary to tell me what you want, I will be very glad to let you have what you want.

Commissioner GARRETSON. Now, with regard to the efficiency of private and public——

Mr. INSULL. Excuse me, Mr. Chairman, is that within the scope of this commission?

Chairman WALSH. What is the question?

Mr. INSULL. The question of the discussion of municipal ownership.

Chairman WALSH. Well, it takes quite a large range, and we can't fix it to any definite proposition. You see how it started, Mr. Insull.

Mr. INSULL. Yes, sir.

Chairman WALSH. You were asked whether or not the belief in the minds of a great many people that public ownership was a good thing caused them to be restless under private ownership. Now, there are eight commissioners here, and it would be impossible to——

Mr. INSULL. If I had known I was going to be asked questions on this subject I would have brought the cost of running a steamboat on the Thames; I would have brought the cost of running the steamboats between Staten Island and the Battery in New York; I would have brought the cost of operating all the municipally owned plants in Europe. I——

Chairman WALSH. I would——

Mr. INSULL (continuing)——would have showed the price at which we sell our energy falls lower than the cost at which they produce it in the average municipally owned properties of England.

Commissioner GARRETSON. Yes; that is perfectly germane to the question we have got before us.

Mr. INSULL. But I didn't know I was going to have to discuss that kind of subject.

Chairman WALSH. It is in the general scope of our inquiry, but was not in the topics given to you.

Mr. INSULL. Well, I am probably excusable.

Chairman WALSH. And not being put in the topics, why I think it would be best not to branch off into it.

Commissioner GARRETSON. Mr. Insull, you made the statement here——

Mr. INSULL. Excuse me, Mr. Chairman, I am probably excusable because I thought that was a dead issue. I would have had the information.

Commissioner GARRETSON. It is not the first corpse that has been galvanized.

Mr. INSULL. I agree with you.

Commissioner GARRETSON. Mr. Insull, if I understood you, you made the statement that public utilities could not be as successfully operated in your opinion by governmental agencies as by private direction; am I right?

Mr. INSULL. Yes, sir.

Commissioner GARRETSON. And from your experience—the city here owns its waterworks?

Mr. INSULL. It is not fair to get me into a discussion with the politicians of Chicago. Now, that is not fair. Name any other city you like, and if I know anything about it I will discuss it. Let us discuss the municipally operated ferryboats of New York Bay, say.

Commissioner GARRETSON. Well, or the eclipse of the sun.

Mr. INSULL. Yes. No; don't, as a matter of fairness, gentlemen, don't take me into the discussion with the city hall. I try to keep away from it.

Commissioner GARRETSON. I am trying to find the shadow on the sun now.

Mr. INSULL. Yes.

Commissioner GARRETSON. What, for instance, what is the average wage in municipally or governmentally administered public utilities and privately managed?

Mr. INSULL. I could not give you those figures. As I told you, I would have come posted if I had known I was going to deal with a corpse.

Commissioner GARRETSON. Do you know what the city of Chicago, for instance, pays inspectors?

Mr. INSULL. Yes. In what line of business?

Commissioner GARRETSON. Well, in the waterworks.

Mr. INSULL. No; I don't. I don't; all I know about is the—all I can discuss about the waterworks is my bill for water.

Commissioner GARRETSON. And the quality of the water.

Mr. INSULL. Yes. It is good; as a citizen, I say.

Commissioner GARRETSON. Well, they do produce a certain amount of good work?

Mr. INSULL. Oh, yes; it is good. And this hot weather, it is very fine.

Commissioner GARRETSON. Well, if that is the case we will let it go at that.

Chairman WALSH. Did you want to ask some questions, Mr. Delano?

Commissioner DELANO. Yes.

Chairman WALSH. Mr. Delano would like to ask you some questions.

Commissioner DELANO. Mr. Insull, if I understood you, your point was that the public-service corporations stood in different relation to the public from the ordinary employer or other employer. Is that your point?

Mr. INSULL. That is my point.

Commissioner DELANO. That on account of those obligations that you owe the public—of being compelled to furnish light or heat or gas every day in the year and every hour in the day—that you think it is unsafe to enter into arrangements with unions. Is that your point?

Mr. INSULL. Yes, sir.

Commissioner DELANO. Well, now, if the unions, recognizing that, that public service was different from ordinary service, were under public supervision and were under the same responsibility to the public that you are, would that alter your opinion in dealing with them?

Mr. INSULL. That is—well, supposing our service absolutely was killed and we would be held harmless by some legislative enactment superior to our contractual relations with the city.

Commissioner DELANO. Or that the unions would be penalized instead of you being penalized for the rupture in service.

Mr. INSULL. Well, that would be a question of their credit. Would you penalize them financially?

Commissioner DELANO. Well, there are other penalties that might be just as effective—the withdrawing of a charter or something like that. I am asking this question because it is one of the duties of this commission to try to find some middle ground between the extremes of the positions on both sides. I know you have been in the service so long——

Mr. INSULL. I probably hesitate at answering that because in main businesses I have run the subject of unionizing our operatives has never come up seriously. I don't mean to say that no one has ever made the demand for it; it has never been a serious proposition. Naturally I would rather be left alone to deal with my own people in my own way, see? I think they are well satisfied with the way they are dealt with. Mr. Delano is a citizen of Chicago, and he can probably tell just as well as I can whether they are reasonably well satisfied with the way they are dealt with.

Commissioner DELANO. That is all, Mr. Chairman.

Chairman WALSH. Mr. Lennon would like to ask you a question or two.

Mr. INSULL. Yes, sir.

Commissioner LENNON. Mr. Insull, in speaking of the matter of individual bargaining as to wages and hours and conditions of labor and collective bargaining, I understood your answer to be that for the more intelligent you believed that individual bargaining would bring to the individual the best results. Is that correct; did I understand you correctly?

Mr. INSULL. Yes. I don't think brains have any needs of collective bargaining.

Commissioner LENNON. Now, in connection with that, do you believe the social well-being of the world is better served by high pay for the few or a living pay for the many?

Mr. INSULL. Well, I think if it could be provided, there should be living pay for the many. After all, that is a question of supply and demand when you come down to fundamentals.

Commissioner LENNON. If collective bargaining would protect the many to a greater extent than individual bargaining, which would best serve the interests of society?

Mr. INSULL. Why, if collective bargaining would better serve the interests of the world as a whole—employees as a whole, why collective bargaining would be better for society, but the fact is not—the facts are to the contrary. Statistics of labor show very distinctly that there is infinitely more individual bargaining the world over than there is collective bargaining.

Commissioner LENNON. Does the history of this country in industry show unorganized workers receive as good pay or better pay than organized workers?

Mr. INSULL. That I could not answer.

Commissioner LENNON. Take the different industries in which you are interested, the one industry representing the elevated railroad men, how do their wages compare with the other departments?

Mr. INSULL. I would be very glad to give you a comparative table on that to file with your commission.

Commissioner GARRETSON. I would like to have that, but can you say from memory whether that averages better or below?

Mr. INSULL. I could not say it from memory. I would say offhand—and it is purely a guess—I would much rather file the figures.

Commissioner LENNON. All right.

Mr. INSULL. I would say that the elevated roads would average lower, simply from my general knowledge of the employees.

Commissioner LENNON. That is all.

Chairman WALSH. That is all. Call your next.

TESTIMONY OF MR. VICTOR A. OLANDER.

Mr. THOMPSON. Mr. Olander, give us your name.
Mr. OLANDER. Victor A. Olander.
Mr. THOMPSON. Your business address.
Mr. OLANDER. 570 West Lake Street.
Mr. THOMPSON. Your business.
Mr. OLANDER. Secretary of the Lake Seaman's Union, and vice president of the International Seamen's Union.
Mr. THOMPSON. How long have you held those positions?
Mr. OLANDER. About 12 years. No; as vice president about 12 years; as secretary, about 4; and subordinate positions previous to that.
Mr. THOMPSON. What jurisdiction or over what territory does your union cover?
Mr. OLANDER. The international union covers the United States and Canada. The Lake Seamen's Union is the Lakes district—that is, the Great Lakes—takes into membership the sailors, marine firemen, and marine cooks. The Lake Seamen's Union, however, being confined to sailors only. The two other organizations, one for firemen and one for marine cooks of this district.
Mr. THOMPSON. What jurisdiction has the local union got, of which you are secretary?
Mr. OLANDER. We haven't a local union in the sense that other unions have. The Lake Seaman's Union is a district organization; it has headquarters at Chicago and local branches around the chain of lakes. The membership of a member is a membership at large in the district. He can go anywhere in the district without changing their books or any questions being asked.
Mr. THOMPSON. You are acquainted with the conditions of labor on the Great Lakes, of course?
Mr. OLANDER. I am familiar with it.
Mr. THOMPSON. Is that condition satisfactory or not?
Mr. OLANDER. Decidedly unsatisfactory.
Mr. THOMPSON. What are the reasons for that, if you know?
Mr. OLANDER. There are a great many reasons. I hardly know how to begin to answer that question. I think the main reason is due to the fact that the corporations owning the vessels generally hold the position that they don't propose to permit the men who navigate or work those vessels to have anything to say as to wages or working conditions, or how they shall live, because you know we exist with our employment, and are with it all the time, live right on board ship. Corporations take unto themselves the right to say what shall be done in all those respects. Experience in the past years has taught us that means mighty hard lives for us. When I began sailing my sailing was mostly—my experience has mostly been on steam vessels—wages were from $12 a month up to $25 a month, occasionally $30 a month being paid for the men that—the class of men that are in our organization now; some of the better class, of course, getting a little bit more. They operated a system of laying off men almost every trip.
In those days it was difficult to get over a month's employment steadily. That continued without any change for the better. Food was bad. Of course, this is all in varying degrees. Now and then there was an employer who paid a little bit more, whose food was a little bit better, and who furnished better quarters, but I speak of the general condition; there was no change in that until the men organized. Since then wages have increased materially, but not to where we believe they ought to be. The men who formerly got $12 are now getting about $30 a month. The man that formerly got $25 is now getting about from $50 to $55 a month. The work is seasonal, however, so far as the Lakes are concerned, and the average working time, taking it good and bad, as a whole, is about six months and perhaps a little more. The men seek employment elsewhere; many of them go to the coast. The change I spoke of—that is, the change from $12 or $15 a month to $30 a month—has taken place within a period of about 14 years, that being the scale in about 1898 and 1899, the low scale. The higher, the prevailing scale to-day is the higher scale. They also now make a practice of paying the men a little bit more for the last two sailing months of the season—that is, October and November. The wages for the higher class, the higher paid men being then raised to $65, and for the others to $40 a month; but the $15 scale still prevails in some vessels where the organization has not been effected. A number of our Chicago passenger vessels, in a number

of them you will find that the majority of the deck crew, the large majority of the deck crews, do not get any more than $15 a month for their monthly wage. As the supply of men decreases for some reason or other—that is, the supply of the kind of men that they use—they pick up anybody that they can get hold of; as that decreases they may raise that scale to a dollar a day. The rule on many of the vessels now with reference to deck hands there is that they get 50 cents a day by the day. If they stay one week, they are paid off at a dollar a day. There are times when they pay them 25 cents an hour for handling freight; that is, when the supply of men is short.

Mr. THOMPSON. What percentage, if you know, of the men operating on the vessels of the Great Lakes is organized?

Mr. OLANDER. I should think about a little better than one-third of them now.

Mr. THOMPSON. Is the organization confined to certain classes of vessels or by certain companies, or general?

Mr. OLANDER. The vessels which go outside the harbors. We have nothing to do with the vessels that remain in the harbors. We have nothing to do with vessels, with the tugboats, although they do go outside, but don't go very far. I might say the vessels that run from port to port are the vessels that we are on.

Mr. THOMPSON. Does your union have collective bargaining with any of the owners of vessels?

Mr. OLANDER. At the present time and since the fall of 1907 practically every shipowner on the chain of Lakes refuses to recognize the organization. And there has been no collective bargaining except in very few isolated instances.

Mr. THOMPSON. Is your union better organized, better on certain classes of boats running outside the harbor than on other classes?

Mr. OLANDER. Yes; we are better organized on the lumber vessels than we are on any other class of vessels.

Mr. THOMPSON. How about ore vessels?

Mr. OLANDER. On the ore vessels a man who wants to sail on an iron-ore vessel of the Great Lakes as a union man keeps quiet about it—never tells he is a union man. It usually means his discharge if that becomes known.

Mr. THOMPSON. When you speak of the wages which are being paid for the services, do you mean the wages paid to union men alone, or is it a general wage obtaining on the Lakes?

Mr. OLANDER. That is the general wage scale. When we in 1899 and 1900 began to make ourselves effective as an organization, we changed the wage scale everywhere, except for the deck hand on the passenger vessels. They are the poorest class of men employed. I mean that in every sense, not only as workingmen but as men. They are picked up largely around South Clark Street, in the lodging-house districts. They are the down and outs, and the worst kind of men that lay around there. We effected the wage scale everywhere. In 1903 we entered into an agreement with the Lumber Carriers' Association and the Lake Carriers' Association. The Lake Carriers' Association, comprising the iron-ore vessels and grain vessels, and so on, that being the largest association. Those agreements were renewed from year to year with both associations until 1907. At the close of the year 1907 there was some indication that the Lake Carriers' Association did not propose to continue the agreement any longer, and when we tried to secure a meeting with them in the spring of 1908 they declined to meet with us, and adopted a resolution, something that they term the open shop.

I think that the general expectation of the Lake Carriers' Association at the time was that we would go out on strike. It was not a very good business year. There were indications that the vessels would not have much to do, and it was a good time to put the union out of business and they started in to do that.

We, however, did not go out on strike. I can tell the story of that year if you are interested.

Mr. THOMPSON. Briefly, if you will, Mr. Olander.

Mr. OLANDER. After this open shop resolution was adopted when they declared that they did not propose to discriminate against union men, we officially decided that there should be no strike, took it up in our meetings all over the chain of Lakes, and the men everywhere decided that we would try out the new system. We had never enforced rules requiring the exclusive employment of union men at all times. We always left the door open for the outsider to come in and if there were not sufficient union men around they could employ anybody. We usually got the man into the organization, al-

though we did have an understanding if he worked at the business that he would come into an organization. We went to work. Navigation opened up in the latter part of April. In May, very shortly after the opening, the Lake Carriers' Association announced a rule that thereafter none of the men would be shipped directly by the captains as had been the practice previously, that the captain who knew John Smith and could go to get him in the boarding house or wherever he could find him, and the man who knew the captain somewhere could go and find him wherever there happened to be a vacancy. They stopped that system and inaugurated a rule that every man would have to ship through an employment office under the jurisdiction or under the direction of the Lake Carriers' Association. He would have to register in that employment office and carry a card from that office.

We said nothing to that. We went to the offices. We knew what was coming; so many people misunderstood what the open shop meant that we thought before we had any real fight that we would let the Lake carriers show what they meant exactly by the open shop, and so we decided to wait and see what it was.

On the 10th of June the captains employed on the ships of the United States Steel Corporation—that is, the Pittsburgh Steamship Co.—went to their crews and said to them that if you want to sail on this vessel any longer you have got to surrender your membership in the union and give me your membership book. The first case of that kind was the steamer *Bunson*, of Conneaut, Ohio.

From that day on news of that kind came in very quickly until a very large proportion of the vessels, the captains of the vessels were giving this kind of orders to the men. That was the open shop that they had declared. We met that. Business conditions were so poor that we did not think we could win a strike. If we had thought we could have won the strike we would have struck and struck hard, but we did not think we could win a strike under those conditions, so many unemployed men throughout the country, and we are not as free to move as men of other callings are.

So we met that by a system of duplicate membership cards; that is to say, we gave each man two cards, or rather a book and a card. We have no card. We have a book in which the constitution, membership card, the membership certificate and everything is bound. We issued duplicate cards and said to the men if you want to hold your employment through this period of depression give your book to the captain and keep your card in the other pocket and remain a union man just the same and hold on to the job for a while. And we did that very extensively.

The employers attempted to meet that first by going to some of the men and saying, "You can not remain on this ship unless you make an affidavit to the effect that you have severed your connection with the union and that you do not propose to have anything to do with the marine labor organization so long as you are in our employ."

They tried that thing in a few cases. As soon as we managed to get it before the public that stopped. It was a thing that could not be done in the open, and it was so raw, if I may use that word, that even some members of the Lake Carriers' Association did not like to have the name of doing a thing like that. I have got the slips here somewhere, and perhaps I had better not try to go through that. I can give that to the commission.

Chairman WALSH. Let me see the samples, if you have them.

Mr. OLANDER. I am afraid it would take me a little time to find it—here they are. One of them states, "I declare on my honor I am a union man and propose to stay with my union." That was about the effect of it. The other says, "I declare I am not connected with any organization," or something to that effect, and I am free to act for myself. They went to the men through the shipping masters and said, "We don't want to discriminate against you; it really was not our fault; some of the captains misunderstood our orders, and they did some of them discriminate, but it was not the fault of the association, and all we want is to be absolutely fair. If you are a union man we want you to say so, sign this and it won't be held against you. You will be registered in the office that way and if the captain wants a union man we will hire you. If you are not a union man, sign the other, and if the captain want a nonunion man he will hire you. There will be absolutely no discrimination."

Of course, it was simply a trick to put the men on honor, in an effort to find out whether or not they were union men, for the purpose of getting rid of them. I advised the men to sign in each instance they were nonunion men, just as I

had previously advised them to take the affidavit to the effect that they would never have anything to do with the organization, saying to them they were justified in violating that affidavit. Some of them did it. I went to the newspapers with the story right away, and that cleaned that up, but the system of slips continued throughout that season.

As to what their attitude was, I have here a letter written by one of the board of directors of the Lake Carriers' Association giving instructions to his captain. Early in the season—May 3—a card was issued to William Hare, a member of our organization, who does not object to his name being known now. The card was used a good deal before this. He was a wheelsman on the steamer *Matopa*, of the Pittsburgh Steamship Co. He was discharged and this notation made on the card by the master of the vessel: "Good wheelsman, but he had too much to say about unions. J. H. Regan, master, steamer *Matopa*." Later this came into my possession on the letterhead of John Mitchell. I believe he is the president of the company. He represents the Cleveland Steamship Co., the Ætna Steamship Co., the Buffalo & Susquehanna Steamship Co., and the Masaba Steamship Co.:

CLEVELAND, OHIO, *June 19, 1908.*

Capt. F. D. GALTON,
Steamer "Moses Taylor," Milwaukee, Wis.

DEAR SIR: I inclose you herewith copy of a letter from the Lake Carriers' Association, giving list of the shipping masters' offices at the different ports. When you are in need of anyone be sure to ship what men you need through the shipping offices. When you find that you have any union sailors aboard who have books, you discharge them unless they give up their books. What we want to do is to relieve our ships of union men. Be sure to let no walking delegate go aboard your boat at any time under any circumstances. Keep a man at the head of the ladder when in port, and when a man tries to get aboard your boat ask him his name and what he wishes, and if he can not give you a satisfactory answer do not let him aboard.

If I find that any delegates get aboard your boat, I am going to ask for your resignation, unless you have a very good reason for it.

Yours, very truly,

JOHN MITCHELL.

LAKE CARRIERS' ASSOCIATION,
OFFICE OF THE PRESIDENT,
Detroit, Mich., May 6, 1908.

To the vessel owners and managers:

In pursuance of one of the purposes for which our association was formed, viz, to establish and maintain shipping offices for the convenient securing of seamen on vessels on the Great Lakes and to establish and maintain amicable relations between employers and employed, and in view of the legislation which goes into effect July 1 of this year in regard to efficiency of crews, our association from its experience concluded that the best and fairest way to carry out these ideas is through what is commonly known as the "open-shop" principle.

To carry this out in its proper spirit and intent requires the cooperation of the owners and the executive officers of the ships.

The association has established the following shipping offices, through which seamen may be employed, and every reasonable and proper effort will be made to insure the furnishing of efficient men; and if the shipping officer has not visited the ship your master or engineer should communicate with the shipping office and report any neglect of any shipping officer to give prompt attention:

Port.	Location.	Shipping master.	Telephone.
Buffalo	154 Main Street	A. Limerick	Seneca 1265.
Ashtabula	Kahne Block	S. W. Gould	Main 55.
Conneaut	Bank Building, corner Day and Park Streets.	W. M. Ford	103 K.
Cleveland	98 on the Dock	Wm. F. Wall	Bell Main 989, Cuy. Cent. 744.
Toledo	102 Marine Block, Water Street	H. Wellet	Main 3770.
Chicago	100 Van Buren Street	J. Blair	Harrison 4853.
South Chicago	151 Ninety-second Street	C. B. Morse	South Chicago 93.
Milwaukee			
Duluth	Board of Trade	J. Currie	306.

It is essential that the owners and the licensed officers cooperate thoroughly with this effort by obtaining their crews through the established shipping offices and then by insisting throughout that the men have absolutely fair treatment. There must be, so far as possible, watch and watch; no unnecessary work, such as scraping and painting, and the like, should be permitted on Sunday; no man should be required or asked to work over the side of the ship while underway. There must be no discrimination in the matter of mess rooms, and every complaint from any member of the crew must be received and carefully considered by the master of the ship.

The executive committee has arranged that the shipping offices issue to each man as shipped a card, giving the date of shipment, the capacity in which employed, and the ship. Where necessity requires the shipment of men at places where there is no shipping office, on arrival at a port where there is a shipping office such card will be furnished. On reporting on board the seaman shall give this card to the master or, if in his department, to the chief engineer, and on leaving ship may require its return, but only with certificate indorsed thereon by the master or chief engineer, according to the department, of the reason for leaving the vessel and statement of qualification and character of service rendered.

As on many of the docks strangers will be excluded, the card will be an identification of the seaman with the ship, and will serve the very substantial purpose of furnishing a record of men on board our ships in case of accident.

Please, therefore, have the officers of your vessels ship their men in this way; also instruct your officers to station one or more members of the crew at appropriate places to exclude admission on the ship of any person except actual members of the crew or such as have permission to go on board from the office of the manager or agent of the ship, and refer to the executive officer in charge of the vessel application from such parties.

Yours, truly,

W. LIVINGSTONE, *President.*

That letter is a fair illustration of the orders given to practically all of the masters of the Lake Carriers' Association by the various owners. They did not all do it by letter, but all of the masters carried out that with very rare exceptions—carried out those kind of instructions.

We went through the season of 1908, and in 1909 they inaugurated what was known as the Lake Carriers' Association welfare plan. And against that we went on strike and carried on a strike for three years, beginning on May 1, 1909, and calling the strike off in, I think, the latter part of March in 1912. We did not win the strike. We are carrying on the agitation against the welfare plan yet, because we believe it is a system of slavery under which men of our race can not afford to even attempt to exist. We will fight it as long as we have got anything to fight with.

Mr. THOMPSON. Briefly, will you tell us what that welfare plan is, or, if it is published in a book, will you file with the commission a copy of the book.

Mr. OLANDER. I have here a pamphlet entitled "Cause of the Seamen's Strike," which is an extract from the official proceedings of the Committee on Merchant Marine and Fisheries, House of Representatives, dated February 17, 1910, beginning on page 46. It consists of copies of documents and affidavits, being a list—and some of the letters being written by myself and a copy of the welfare plan as taken from a pamphlet issued by the Lake Carriers' Association. However, this particular pamphlet is issued by the union and my copy here might be questioned, so I would say to the commission that copies of the welfare plan appear in the report of the department of labor of the State of New York for 1910 and in the report of the board of arbitration of the State of Wisconsin for that same year, 1910 or 1911, I am not sure which.

(The pamphlet referred to, entitled "Cause of the Seamen's Strike," dated Washington, D. C., February 25, 1910, was submitted in printed form.)

Mr. THOMPSON. Now, referring, Mr. Olander, to the state of industrial unrest which pertains in the shipping world on the Great Lakes, what, in your opinion, is the cure for that condition? How could it be remedied or could the major portion of the unrest be alleviated?

Mr. OLANDER. Well, a good deal has to be done in our case. We live under different laws than people on shore are subjected to. There is much stronger, necessarily must be stronger disciplinary laws on board ship. And until some other laws are inaugurated that will give us—while we don't want those

disciplinary laws changed as far as they apply while the ship is out at sea, we feel there ought to be some other laws on the statute books that would safeguard our interests somewhat. It is necessary in our case; we admit the necessity of having a law, for instance, that permits the master to punish a man for willful disobedience of orders. It is pretty hard to draw the line as to what kind of orders they must be. Sometimes a very small thing may endanger the ship while she is at sea. And we recognize that this is necessary.

But that gives that master tremendous power over us, and gives the owner through the master tremendous power; so that in our case it is necessary to have some regulations, not only for the protection of the men in an industrial sense, but also as a matter of safety.

Under the law now we have got to sign a contract whenever we go to work. The terms of that contract, except in the matter of wages, is laid down by the Government; that is, it is laid down by law, and we sign it and accept those terms and go to sea if we want to. It we don't want to do that, we can't work at our employment; we have got to stay ashore.

Now, under that contract, if we quit the vessel in the domestic trade, that is to say on the Lakes or on the coasts, before the expiration of the terms of that contract—which we call shipping articles—we lose all the money that we have earned and all of the clothes or other belongings that we leave on board. We are trying to get the law changed now, so that we will have a right to collect half pay at every port of discharge, because during that period we can not get any money for the necessaries of life. We might want to get some clothes or something of that kind; we may not be in a condition to wait until the end of the trip or the end of the month.

And we want the law so changed that we can collect half at any port of discharge or loading.

In the foreign trade—perhaps you may think I am getting somewhat off the Lakes, but not so much as you might think—in the foreign trade, we are subject to arrest and imprisonment for quitting the vessel. If, for instance, when we are in some foreign country, outside of Mexico and the West Indies and Canada, we become dissatisfied with the conditions on that ship we may be willing to lose all the wages that we have earned, and that might be anything from two weeks to six months; we may be willing to sacrifice everything that we have got on board, and still we can't quit if the master does not want us to.

That is the right under the law and under the treaties with foreign countries, where he can apply to the local police and take us back on board ship. That same law applies to sailors on foreign ships in the ports of the United States. And I have seen men arrested right here on the Lakes who have been on foreign ships, under contract with foreign ships, and wanted to quit. I have seen them taken back on board. Of course, there is not so much of that on the Lakes, because there are not so very many foreign ships here, but a great deal of it on the coast. Until those kind of things are changed we haven't got much chance.

Mr. THOMPSON. Have you any other specific proposition calculated to help the situation?

Mr. OLANDER. I might say before answering that, that these—we are trying to get these things changed. We have got a bill before Congress now that, aside from its safety regulations, provide for these things. I have——

Mr. THOMPSON. Have you got a copy of that bill with you now?

Mr. OLANDER. Sir?

Mr. THOMPSON. Have you got a copy of that bill with you?

Mr. OLANDER. No; but I can furnish the commission with a copy of the bill.

Mr. THOMPSON. We would be pleased to have you do so.

Mr. OLANDER. But there is still a copy of the report that has a condensed and a brief analysis of the bill, and the bill itself.

Commissioner LENNON. Give the number of the bill, and we will find it.

Mr. OLANDER. It is Senate 136—in the form that it passed the Senate in October. It has been reported out of a committee in the House now in very bad shape; so that the committee report is not the seamen's bill, but the action of the Senate in October was the seamen's bill.

Mr. THOMPSON. Now, Mr. Olander, referring to the general question of industrial unrest, have you, as an official of your organization, given some attention to that subject?

Mr. OLANDER. Yes; I have given a great deal of attention, so far as I am capable of doing.

Mr. THOMPSON. Do you believe that there is unrest in industry generally among workers?

Mr. OLANDER. Undoubtedly; grave unrest.

Mr. THOMPSON. What, in your opinion, is the cause, briefly, and cure, if you have any theory?

Mr. OLANDER. It will be difficult for me to state that very briefly. But I might say this: That I think that there is a very prevalent feeling that a very small part of our citizenship has taken it upon themselves to exercise altogether too much control over the rest of the people, and that there is a very strong rebellion against that—a feeling that the man who works for another fellow ought to have something to say about the conditions under which he works, and about his wages, and so on, because those things affect him outside of his time of employment. They affect his home. His wages determine the schooling of his children, the food that they use in the home, and the home itself, or whether he is to have one, or whether he is to have children, and determine whether he is to get married, and all those kind of things.

People generally, I think, even the nonunionist feels this, and feels it strongly, They believe that they ought to have something to say about that. There may be some differences of opinion among the working people here and there as to just how they ought to use it, but I feel that they all and all classes feel that they ought to have some right in that respect—a demand for a greater democracy, in other words.

And I think that this condition of unrest is going to continue and grow until that question is met, because my observations lead me to believe that most of our people live very close to the point where it will be difficult for them to obtain the necessities of life, and that they are going to feel that more and more. I do not mean to say that they live actually on the point of starvation, but where it will be difficult for them to get enough to live as they think they ought to live. Even a fairly well-paid mechanic, or what we call a fairly well-paid mechanic, living in rented rooms, having fairly good wages, feels this: "I don't know how long this job is going to continue. It may end and there may be a period of unemployment. I haven't got enough money to carry me over that. I may have a very serious case of illness in the house, and the few dollars that I have saved won't be quite sufficient to take me over that."

And then these men make up a very large proportion of the citizenship of our country, and they look into our city slums, where they don't live, and they see before them a picture of the possibilities—the thing they may have to face, the pit that they may have to get into. So that I think that the greatest of the unrest comes from that portion of the people that fear that they are going to be driven to the bottom again rather than from those who are not actually at the bottom.

Mr. THOMPSON. What remedy have you in mind, Mr. Olander, that you think this commission could recommend to Congress, for instance, to relieve in part or in whole either this general unrest or any specific unrest that occurs from time to time?

Mr. OLANDER. Since I believe that the unrest is very largely or almost entirely due to this feeling that men want more to say about themselves, about the conditions under which they live and work, I think the commission, if it concludes that that is one of the great causes of unrest, ought to say so, and ought to say that all of these agencies through which the men can be given—the men and women can be given a better chance to express themselves, can be given an opportunity to have something to say about their own lives—that these agencies should be encouraged by the Government as much as it is possible for the Government to encourage them.

Mr. THOMPSON. Do you know cases, Mr. Olander, where the unrest breaks out in industrial conflicts, such as strikes or lockouts—have you any ideas or remedies by which such situations might be treated, either to prevent when the situation gets warm—to prevent the outbreak from occurring, and if it does occur, reduce it to the limits, the least possible limits?

Mr. OLANDER. I would not agree to anything that has for its purpose the prevention of strikes. I do not believe that any repressive measures would be good; would have much the same effect as filling a kettle full of water and then plugging it up and setting it on a fire. It will blow up after a while. You can't, if you have that fire going there, you can't confine that water in that kettle, no matter how hard you try. It will explode eventually.

Mr. THOMPSON. Leaving out repressive measures, Mr. Olander, because I think the public are agreed that they can't be used, what would you say should be done?

Mr. OLANDER. Conciliation; get the two sides together. Sometimes there are conditions in an industry—I can conceive of conditions in an industry where it might be—or in a particular part of an industry, where it might be a very difficult thing for the employer to do all that was necessary in order to be actually fair to the men. The thing for that employer to do, in my opinion, is to take the men into his confidence, meet them on equal terms, and when they are telling him their troubles let him tell them his troubles, treat them as equals, and I think that we will get over those things without very much trouble if that is generally recognized.

Mr. THOMPSON. Do you believe a board of conciliation and mediation and arbitration will result in good?

Mr. OLANDER. I think that arbitration is really valuable only so far as it leads to conciliation, and I think that the main thing to do is to try to get the two sides together and have them adjust their affairs so that there may be an agreement satisfactory to both sides and put them on honor to carry it out. That is the strongest kind of contract you can have.

Mr. THOMPSON. Have you followed out the work of the United States Board of Mediation formed under the Newlands Act in the railroad world?

Mr. OLANDER. Not very much. It has been confined purely to the railroad industry, and I haven't watched it very closely.

Mr. THOMPSON. Do you believe a national board of conciliation to deal with industrial problems and make investigations and mediate and conciliate would be a good thing?

Mr. OLANDER. No, sir; I don't like the board idea. It smacks too much of the courts and the establishment of precedents, the dealing with one situation exactly as you deal with another. You have different people to deal with and different localities, and a thousand and one things. Aside from that, you have different times to deal with—different periods—and we are going ahead all the time, and I fear a permanent board would get into a rut before long and accept conditions as they are to-day and try to apply them to-morrow, and I don't think that would work.

Mr. THOMPSON. Have wages decreased since 1907, or increased?

Mr. OLANDER. You mean wages generally?

Mr. THOMPSON. Yes; on the Great Lakes.

Mr. OLANDER. I think if anything there has been a slight increase, taken as a whole.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner LENNON. I would like to ask one question: If your organization had a contract with the vessels on the Great Lakes would you in that contract or through the influence of your organization endeavor to protect the interests of the people who are passengers on the vessel; that is, by requiring skilled men to be employed, rather than unskilled?

Mr. OLANDER. That is what we tried our level best to do during all the time we had the agreement, and it is one of the things we are fighting before Congress now. I would say that we could undoubtedly—I haven't the slightest doubt we could have obtained from Congress long before this the things necessary to remedy the industrial evil under which the men work now except for the fact that part of the bill provides for the safety of the traveling public, and it is on that account the bill has been held up during the past year.

Commissioner LENNON. You remember the *General Slocum* disaster in New York, do you not?

Mr. OLANDER. Yes; I remember very well.

Commissioner LENNON. Was the conclusion reached by men who are competent to judge that the disaster was largely caused by the employment of people who were not seamen as seamen?

Mr. OLANDER. That was the report of the United States commission on the investigation of the *General Slocum* disaster. That statement, very nearly like the one you uttered, is included in the statement of that commission.

Commissioner LENNON. And other disasters at sea—haven't verdicts been rendered in other cases that the employment of able seamen was inadequate for the proper management of the vessel?

Mr. OLANDER. That is generally a recognized evil everywhere. They try hard to hide it in some reports, but it is there somewhere in every one of them.

Commissioner LENNON. And the seamen's union has stood squarely for the employment of able seamen everywhere?

Mr. OLANDER. Yes, sir.

Commissioner LENNON. That is all.

Chairman WALSH. Are men in your industry required to earn enough in 8 months to subsist on for the entire 12?

Mr. OLANDER. That is the situation on the Lakes, but it is hard to do it, and they find other employments. I might call your attention to the fact that our wage scale, like the wage scales throughout the United States, are not sufficient to support a family, and for that reason we have a very small per cent of married men.

Chairman WALSH. How much below the minimum amount to support a family in decency do your wages fall, if you can tell approximately?

Mr. OLANDER. I would say as applied to the industry as a whole in the United States it is about one-half too small.

Chairman WALSH. Was there any other matter upon which you would like to give testimony that has not been called out by these questions?

Mr. OLANDER. I answered a question with reference to the establishment of a conciliation board by saying I didn't believe in the establishment of a board for that purpose. I would like to make that clear. I would like to make my views clear on that, because my attitude will be misunderstood in the answer.

Chairman WALSH. Very good. Proceed.

Mr. OLANDER. I do believe the Government can do a good deal toward conciliation, and I have been watching with great interest the work of the Department of Labor in that respect. Section 8 of the law provides that the Secretary of Labor is to act as mediator and conciliator in industrial issues, and men have been appointed to represent him to go to industries where disputes do occur, and try to get the two parties together. I believe that something might be done to extend that work. I don't think that it all ought to depend on any particular permanent man who is employed. That the department might delegate anybody to represent the department to go there for the purpose of trying to bring the two sides together. I think you can't get anything permanent unless you get the two sides together. I think they do much good, and I think the work of the department has been good, and if the commission hasn't looked into it I think they ought to look into it.

Commissioner GARRETSON. What is the difference, from your standpoint, between the Department of Labor using the same man for that purpose continuously and somebody being delegated as an independent mediator to serve continuously, in regard to him getting into a rut?

Mr. OLANDER. There is this difference, that the Department of Labor was created for a special purpose to watch over the interests of the wage earners of the country. I would have in it other bureaus than the conciliation bureau, that would work in conjunction with the bureau of that kind if it was established.

Commissioner GARRETSON. You think that would keep a man out of a rut?

Mr. OLANDER. I say this, that there ought not to be anybody permanent there except perhaps a bureau head. I do not believe in permanent conciliators. I do believe in permanent conciliation.

Commissioner GARRETSON. That is the point I was desirious of information on; if the bureau leader is there and the commissioner of conciliation is there, what influence could put one in the rut and keep the other out?

Mr. OLANDER. I think that a man doing a particular job over and over again gets into a habit of his own, and he applies his own methods to it, and he finds that a certain procedure is good and he holds to it, never getting away from it, and does not try to do anything new. I think that explains my view with reference to the possibility of it becoming a court.

Commissioner GARRETSON. You take the same individual and denominate him commissioner of conciliation, and then give him the name of commissioner of conciliation under the Labor Department, would he act differently in the two capacities?

Mr. OLANDER. I wouldn't have him in the field. I would simply have him as a bureau head.

Commissioner GARRETSON. Let him supply conciliators in any particular?

Mr. OLANDER. I think if you put him on the job of conciliation, that is, put him in the field, that would be just as true of him as it would of anybody else. I would set him down in Washington and keep him there.

Commissioner GARRETSON. Have you seen the letterhead, that he is in the field?

Mr. OLANDER. I did not know that there was a bureau of conciliation established.

Commissioner GARRETSON. There is a commissioner under the department, or at least he has a letterhead to that effect.

Mr. OLANDER. I understand that there is one man in the field. I understand there have been several others at various times.

Commissioner GARRETSON. I only know of the one. That is all, Mr. Chairman.

Chairman WALSH. That is all. Thank you, Mr. Olander.

Call your next witness.

Mr. THOMPSON. I will call Miss Mary E. McDowell.

TESTIMONY OF MISS MARY E. McDOWELL.

Mr. THOMPSON. Give us your name.

Miss McDOWELL. Mary E. McDowell.

Mr. THOMPSON. And your address?

Miss McDOWELL. 4630 Gross Avenue.

Mr. THOMPSON. A little louder, please.

Miss McDOWELL. Gross Avenue, 4630.

Mr. THOMPSON. And what connection have you with the University of Chicago settlement?

Miss McDOWELL. I am head resident, and lived there for 20 years.

Mr. THOMPSON. Twenty years?

Miss McDOWELL. Yes.

Mr. THOMPSON. During your service as head resident of that settlement, have you come in contact with labor problems more or less?

Miss McDOWELL. Yes; more.

Mr. THOMPSON. More?

Miss McDOWELL. Yes.

Mr. THOMPSON. And what particular field in the labor world around Chicago have you come in contact with mostly?

Miss McDOWELL. In my immediate community, with the unskilled worker.

Mr. THOMPSON. Where generally are they employed mostly?

Miss McDOWELL. In the great packing houses and stockyards.

Mr. THOMPSON. What is the condition, if you know, of labor in the industry to-day, generally speaking, and in your own way tell us.

Miss McDOWELL. I have a very late study made by one of our residents, which I can put on record, which will give you all the facts about wages and such things.

Mr. THOMPSON. If you have that we will be pleased to have it.

(The book so presented was marked "Exhibit 1, witness Miss Mary E. McDowell, July 23, 1914." A book entitled "A Study of Chicago's Stockyards Community," by J. C. Kennedy and others, published by the University of Chicago Press, was submitted in printed form.)

Mr. THOMPSON. In your own way, Miss McDowell, tell us as briefly as you can the condition of labor in that field?

Miss McDOWELL. That is a very big question, and I do not know—I have not made a study—I am not an economist—sociologist—I am only a neighbor, living there and know it by contact in that way.

Mr. THOMPSON. Any particular branch of that labor you have made a study of?

Miss McDOWELL. I know particularly of the family. I know what it means not to have quite enough wages. I know what it means not to have a sure job, through personal neighborly contact. And I think very much of the unrest to-day comes from the fact that a community is constantly demanding and putting forward stimulus that creates a growing standard even in unskilled workers' families. You see, even in the immigrant's family, how the simple wants become more and more, and then wages don't supply the needs, and the man's, the husband's wage is not sufficient in that industry, the job is not sure, it is not educational. I don't think there is any difference much in that than in any other great infinitesimally organized industry of to-day. I think that there is no pleasure in the work. It is monotonous. The wages are the only regard. The man does not see the result of his work. He only sees this one single infinitesimal thing he has to do every day and every hour. It is nerve racking; it is irritating. Of course there is no result in it. It seems to me that has a great deal to do. Then I thing that this growing standard of—for instance, this very hot weather, it is very hard on the little babies. The commissioner of health says: "You must kill the flies. You must have sweet milk. You must have certified milk for babies." Well, the man that does not get $2 a day

every day the year around can not supply the ice box, can not supply the ice, and you can not have fly screens. They are crowded into four rooms.

That is the unit generally, that is the standard, below which the American people will not go. And the newly arrived immigrant who has not money enough and crowds boarders, because there are great numbers of young men and young women coming into our neighborhood. They have to live somewhere, and the whole family help out, and it is the family income is the income, and even that is not enough to keep up to its demands. Even our public school's demands to-day, the demand of civilization to-day is greater. We require now in the public schools through our dental and medical inspection, we require that all the avenues to the mind shall be kept free, the adenoids must be removed. The mother is told that, the father is told that the teeth must be cared for, the eyes must be cared for. This is all a tremendous expense in any family life. And when it comes to the unskilled worker's life, you know they can not supply it. And workers the world over, this is not local—workers the world over I think are demanding the minimum of civilized life. But I do not know, it is very difficult to answer just what to do. I think some of us know what we would like to have done. We know what we dream about, what may come to put down this unrest which springs eternal in the bosom of evey human being, because it is the same hope that has been expressed in various ways all down the ages, I think. I do not know, I may be very vague.

I went through an experience in 1904 with the stockyards strike. In every language in the neighborhood you heard, "We can not live a decent American life on 15½ cents an hour with 40 hours a week." That was the average hours through the year. And the union had brought that 15½ cents up to 17½ cents an hour. And skilled workers or unskilled workers, 60 per cent in the stockyards had their wages; they were organized quite down to the last man. It had their wages raised 2½ cents. Now, outside people do not know, they can't realize, the fight, the struggle of six weeks over 2½ cents; it seems to the average outsider a petty thing. It really means the line between poverty and existence to the greatest number of people in that neighborhood. And one woman said: "I would not care if I was sure my husband would have $1.50 every day the year around. But 15 cents an hour, or even 17½ cents, with 40 hours a week—I am not sure that we can take care of sickness."

That was the attitude. It is this growing standard of living. I heard it all the time. It was the basis of the whole struggle. Of course they lost out, you know. I think Mr. Kennedy shows in his studies that they never went back to 8⅝ cents an hour. The greater number now get 16½ cents an hour where they used to get 15, so that the union did that much for them.

Mr. THOMPSON. Are the laborers in the stockyards organized, or do you know?

Miss McDOWELL. Only a few; little groups here and there; not in any large way at all.

Mr. THOMPSON. Were they organized?

Miss McDOWELL. The personnel is so changed. The fighting Irish have all gone out, mostly, except they work at the bottom a little bit; and the nationalities are so mixed that there is not very much fellowship, and it is a very difficult thing. I don't know whether they are going to do better or not.

Mr. THOMPSON. Were they organized prior to that strike?

Miss McDOWELL. Yes; Michael O'Donnell, I think, organized a very marvelous organization, from the squilgee man up to the top. It was organized in the yards at that time, and it was organized that way, I think, very democratic in its organization. They had a council; they brought in representatives from all the organizations, from the meat cutters and everyone else.

Mr. THOMPSON. That was destroyed by the strike, was it?

Miss McDOWELL. Yes; except, of course, there are some organizations there now, like blacksmiths and electricians, and such as that.

Mr. THOMPSON. How did the strike terminate—killed off or just dying out, or what was the cause of its failure, if you know?

Miss McDOWELL. Well, I do not know. I was not in the heart of it enough to be able to tell just what the failure was due to. I do not know. I think a strike, like a war, can not be run democratically. I think Michael O'Donnell tried to run it democratically. It was his first strike, and the awful expensiveness of democracy we learn by doing.

Mr. THOMPSON. Then you think you must draw one line against a democratic condition?

Miss McDOWELL. No; not at all; not at all. I think we have got democracy. We just learn by doing. It is only we have to learn it that way, I think.

Mr. THOMPSON. What views have you as to any remedy which might be applied to help this industrial unrest and discontent which you speak of? I mean that this commission could do.

Miss McDOWELL. I think along—I do not think anything will ever allay the unrest except democracy in industry. I don't know just what that means, but I think it has to come to pass some way; and I do not feel cocksure about that—about anything, very much. I am very pragmatic. I believe there are many things we ought to do. I think labor is very much involved in the whole city government. I think we must divorce municipal government from national parties, so that we can thus, perhaps, take over some industries.

I think that we must have municipal housing, because I do not see how we are going to house the unskilled workers, from the point of view of health and sanitation and morality, unless the city does it, as they do in Europe. And we do not want a city government to be the landlord, unless—if they are working all the time for some Presidency that is far off, that has nothing to do with municipal housing or garbage, or anything of that kind. Then, I think, as I have listened here, it seems to me we must have some piece of machinery that gives us facts that we believe in. The board of trade in London and in England is believed in; both labor and capital appeal to the board of trade. The minimum-wage boards came out of the board of trade. We have nothing here. Our labor statistics in the State everybody laughs at, always have laughed at; everybody knows that our whole labor department in the State is political, not scientific in any way whatever. We do not trust them. I think that is one of the very first things, one of the very things that I am sure Prof. Commons is tremendously interested in the study. That is one of the very first things that we ought to have.

Mr. THOMPSON. Do you believe perhaps a national industrial council, with power to investigate the facts in the industry both in times of peace and times of conflict, and in time of conflict with power to mediate and conciliate, would be a step in the right direction?

Miss McDOWELL. If we could be sure always, as every labor man has told you, there was no politics and it was nonpartisan and scientific, I should say yes.

Mr. THOMPSON. Assuming we could get those conditions, do you think that would be a step in advance?

Miss McDOWELL. Yes; I think that if we can get the truth and the facts can be made public, and we can trust them; but this is a big country for any one board to take care of, I should think.

Mr. THOMPSON. What other specific idea have you got to state to this commission that they could consider and recommend, perhaps, to Congress to help the situation?

Miss McDOWELL. Germany has an industrial court that I do not know much about, but what little I know about it, it seems to me that was good locally. It was made up of groups of people interested in labor disputes. I should like to have that considered, but I don't know that I have anything more. I think we will have to have, perhaps, a minimum wage for unskilled workers if we are going to—it does seem to me just now that in this country we are deciding what kind of Americans we want; and if we want to keep the standard of American citizenship up to that which—I think the trade-unions always speak of the American standard of living; our neighbors do; the first thing that the immigrant gets is that American standard of living, which means something very distinctive. I think we must have a short workday. I think that is very necessary and ought to be general and ought to be a legal one, so that in some way it could be worked out slowly and not upset all of our industrial life; but all of the demand that is made is for this right to leisure.

Mr. THOMPSON. Speaking about democracy, Miss McDowell, what ideas, if any, have you with reference to helping along democracy in the trades-union itself?

Miss McDOWELL. Well, the only trade-union I knew intimately was the Amalgamated Meat Cutters and Butchers' Workmen of North America, and I thought them very democratic. I at one time went to an initiation of the cattle butchers, when a negro man brought in the group to be initiated, and it took seven interpreters to initiate the group. And as an Irish girl went out with me from the meeting she said, "Well, that is brotherhood all right, isn't it?" I think they were organized in that very democratic way.

Mr. THOMPSON. Well, do you share the opinion which some people have, that in unions there is a large percentage, or a large per cent of unions, that are not democratic?

Miss McDOWELL. Yes; I think there are some unions that are very aristocratic, and yet I hold that even the aristocratic union helps toward the standard of living we demand in America.

Mr. THOMPSON. I was speaking of democracy more looking at the——

Miss McDOWELL. Well, I think they limit their membership; I think they ask a perfectly enormous initiation fee. In Germany I found the metal workers with a half million membership and the smallest initiation fee, making it easy for every metal worker to get into that union.

Mr. THOMPSON. I was looking at it more from the standpoint of the selection of officers and the calling and settling of strikes.

Miss McDOWELL. Well, I don't know a great deal about that, except in the butchers' union, and I thought they were very democratic there.

Mr. THOMPSON. Are you acquainted with what the average rent is for four rooms, say, in the district you speak of?

Miss McDOWELL. Yes. Well, it varies so; as the real estate man says, it is what you can get out of them. Miss Breckenridge and Miss Abbot made a very fine study of 10 blocks, and I think they were not able to tell exactly. But I have computed it at about $2.50 per room, without any conveniences whatever. They give nothing but cold water.

Mr. THOMPSON. Has the rent increased the last few years?

Miss McDOWELL. Yes; it has increased somewhat in the last few years.

Mr. THOMPSON. What do you know about conditions in domestic service; have you made a study of that branch of work?

Miss McDOWELL. Well, the women's trade-union league has organized domestic servants. I think it is one of the questions that the women don't tackle as well as they might. I think it is our special job, but perhaps the brethren will have to do it, because it comes so close to us, just as factory conditions come so close to the manufacturer.

Mr. THOMPSON. Is it generally thought desirable by women workers in such service?

Miss McDOWELL. No. Nobody wants to do domestic service.

Mr. THOMPSON. Do you believe that organization of the servants would help?

Miss McDOWELL. I beg your pardon?

Mr. THOMPSON. Do you believe that an organization of domestic servants would help?

Miss McDOWELL. Well, I would like to see it tried. It is a service where the supply is so slight, the demand so great, that I don't know how far it could go. I think it needs very much to be regulated in some way. I think that outside of a certain small group of people domestic servants don't have at all the right conditions.

Mr. THOMPSON. Is there any other statement you would like to make to the commission?

Miss McDOWELL. I don't think so; it seems I have said a great deal.

Chairman WALSH. Well, you have. We thank you very much. We are trying to hurry through with our program. Mr. Weinstock wants to ask you a question.

Commissioner WEINSTOCK. You have been engaged in your work now for 20 years, Miss McDowell?

Miss McDOWELL. Twenty years in that settlement back of the yards.

Commissioner WEINSTOCK. And you are neither an employer or worker; you speak disinterestedly?

Miss McDOWELL. Oh, I am an employer of a janitor and maids.

Commissioner WEINSTOCK. Yes; but not an employer in the broad way?

Miss McDOWELL. No.

Commissioner WEINSTOCK. Will you tell us, as the result of your observation and experience, Miss McDowell, whether society generally, forgetting the individual employer and forgetting the individual worker and looking for the common good, whether society generally would be made better or worse; that is, the conditions made better or worse by the wiping out of unionism?

Miss McDOWELL. Oh, much worse, I think.

Commissioner WEINSTOCK. Much worse?

Miss McDOWELL. Yes; I think the great mass of skilled workers, cheap labor that is below the scale perhaps of organization, is drawn up and held up by the very standard of organization of labor.

Commissioner WEINSTOCK. You believe, then, that the organization of labor has had an upward tendency?

Miss McDOWELL. Oh, decidedly. I didn't know anybody thought any other way.

Commissioner WEINSTOCK. Well, there are those who think differently. How would the conditions under which the average family of the unskilled worker live to-day compare with those, say, of 20 years ago, when you first entered the work? Are the conditions better or worse?

Miss McDOWELL. It is very hard to answer, because there is a new group coming in all the time from the old country.

Commissioner WEINSTOCK. But striking a general average, if you can?

Miss McDOWELL. Well, I think the generation that lives through the whole process lives on a higher grade, and I think the desire is to be American very soon. It shows itself in the clothes at first.

Commissioner WEINSTOCK. Well, take the average family in your district, in your vicinity, in your territory, in what respect are they better off to-day than a corresponding family was 20 years ago when you first came there?

Miss McDOWELL. Well, they have all moved away; you see what happens to our neighborhood.

Commissioner WEINSTOCK. I am not speaking of any particular family.

Miss McDOWELL. No; I know.

Commissioner WEINSTOCK. But, taking the average family of to-day, how do they live as compared with families in a corresponding strata 20 years ago?

Miss McDOWELL. Well, a study was made of 165 families of unskilled workers, who had $1.65 to $2 a day, all English-speaking, most of them, and it was a study made of the children who could not keep up with their grades, and a very intimate study was made; and it was found that those children did not have sufficient food, because the family had a standard above taking in lodgers and crowding their four rooms with lodgers.

Commissioner WEINSTOCK. That is a recent condition?

Miss McDOWELL. Yes; that is the condition.

Commissioner WEINSTOCK. Were there cases of that sort 20 years ago?

Miss McDOWELL. No.

Commissioner WEINSTOCK. There were not?

Miss McDOWELL. No; and we didn't have 20 years ago such an overcrowded condition there.

Commissioner WEINSTOCK. What is left to them, I should gather from what you say, then, that conditions are not so good to-day as they were 20 years ago?

Miss McDOWELL. Well, you see, I am thinking all the time of one group that has gone away, the whole mass of people that has left us, and the whole mass of people coming over from Galicia and Ruthenia. That is hard to tell.

Commissioner WEINSTOCK. Are we to understand, then, that the family that was in your district 20 years ago is to-day very much better off?

Miss McDOWELL. Yes; if they lived through the process, those that live through the process and the process of becoming——

Commissioner WEINSTOCK. Go up?

Miss McDOWELL. Yes; go up.

Commissioner WEINSTOCK. The tendency is upward?

Miss McDOWELL. Yes; I think the tendency is upward—well, it is hard to say what is upward, of course.

Commissioner WEINSTOCK. You say that the average worker, unskilled worker, gets about $1.65 a day in your vicinity?

Miss McDOWELL. Yes; $1.65.

Commissioner WEINSTOCK. Can you recall what that same kind of worker got 20 years ago?

Miss McDOWELL. Well, all those figures are in that book. I am not very good about figures, and I have handed them over. But there has been an increase in the lowest wages and a decrease in the middle wages of the stockyards. It is such a huge industry, don't you know, there are very few skilled at the top—60 per cent so-called unskilled.

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Commissioner O'CONNELL. Do you think, Miss McDowell, there ought to be any further restriction of immigration?

Miss McDOWELL. I don't think we ought to restrict immigration except on the lines that prevent artificial stimulus, until we have tried every other method of caring for the immigrant in this great country of ours. I can't bear the idea of restriction of immigration.

Chairman WALSH. That is all. Thank you, Miss McDowell.
Call your next.
Mr. THOMPSON. Is Prof. Deibler here?

TESTIMONY OF MR. F. S. DEIBLER.

Mr. THOMPSON. Prof. Deibler, will you give us your name, please?
Prof. DEIBLER. F. S. Deibler.
Mr. THOMPSON. What is your address?
Prof. DEIBLER. No. 2119 Sherman Avenue, Evanston, Ill.
Mr. THOMPSON. Are you connected with the Northwestern University?
Prof. DEIBLER. Yes, sir.
Mr. THOMPSON. In what capacity?
Prof. DEIBLER. I am associate professor of economics.
Mr. THOMPSON. I didn't get you.
Prof. DEIBLER. I am associate professor of economics.
Mr. THOMPSON. How long have you occupied that position?
Prof. DEIBLER. I have been in the Northwestern University for 10 years.
Mr. THOMPSON. For 10 years. Are you connected with the City Club of Chicago?
Prof. DEIBLER. Yes, sir.
Mr. THOMPSON. What position do you occupy there?
Prof. DEIBLER. I am chairman of the labor committee of the City Club.
Mr. THOMPSON. Now, Mr. Deibler, in your position as a professor of economy, have you considered the question of the industrial unrest which exists, or is supposed to exist, throughout the country?
Prof. DEIBLER. Well, I have given the labor conditions in general quite a good deal of thought the last few years.
Mr. THOMPSON. Well, do you think such unrest exists, as a matter of fact?
Prof. DEIBLER. I think there is unrest; yes.
Mr. THOMPSON. To what exent, in your opinion, does it exist, what is its cause, what is your idea of the cure to be applied?
Prof. DEIBLER. Well, it is pretty hard to say to what extent or to say what are the causes, because I think there are a good many causes of unrest. Some of them are pretty deep-seated, and depend upon our general economic conditions. We have gone through in the last 25 years quite a good deal of centralization of industry which has had a marked change upon the general market conditions. The opportunities for draining off labor supply, taking up the land supply, and things of that kind. More immediately, I think, that the prices have risen faster than wages, and that has been the cause for dissatisfaction and unrest. Others might be mentioned. I think, perhaps, those cover the main features.
Mr. THOMPSON. What, in your opinion, would be the remedy?
Prof. DEIBLER. You would have to fit the remedy to the specific unrest. On questions of wages, I think that wages in the main could be—the conditions affecting wages could be remedied largely through organization both on the part of the employer and the employee. I think that would be one of the most effective methods of improving those conditions. In some respects it would require legislation, perhaps. I have in mind now particularly the situation here in Illinois, which, I think, obtains in certain other States. We need better organization of our labor department and we need in that organization certain modifications of the law which would enable us to have better arbitration features than we have and a number of features of that character that could be mentioned. I think that this commission would be helpful if it would work out some sort of arbitration scheme and more or less standardize the conditions of arbitration in the various States. I recognize the difficulty of the Federal Government interfering with the State government; but we all know the uniform State child-labor law, that was adopted by a committee, was influential in standardizing the child-labor law in the various States.

I have a feeling that a commission of this character, giving its stamp of authority to some sort of legislation and organization of a department, and also as to the means of arbitration and conciliation between employer and employee, would be followed in the various States and standardize that condition.

Mr. THOMPSON. Do you think that the establishment of a national or Federal industrial council, with power to investigate the condition in industries, both in times of peace and specific questions in dispute in time of dispute, and with ad-

ditional power to conciliate, mediate, and, if necessary, arbitrate upon agreement of the parties—do you think that would be a good thing or not?

Prof. DEIBLER. I feel an industrial council somewhat similar to the industrial council of England would be beneficial.

Mr. THOMPSON. Have you any specific idea you would care to give to the commission with reference to the subject of conciliation and arbitration?

Prof. DEIBLER. Well, I think that the conciliation as it has appeared in the various States—by a committee that has been appointed, usually, by the governor—has not been very successful, and I think it would be very much better if that industrial commission of the labor department, organized something like New York or Wisconsin, an industrial commission would be helpful.

And there might be within the State an industrial council made up of employers and employees, from which there could be selected in the various industries—I don't expect to give all the details, but it appears to me there could be elected proper conciliators. I think there is a disposition among laborers and employers to disregard the arbitration as it appears in most of the States and to regard it as a nonentity. It does not have their confidence. They don't have confidence in it. It does not have any influence. Whereas if the conciliation and arbitration is conducted and administered, perhaps, from their own members, they would have more confidence in them. However, if such a plan is not connected with some more or less permanent State body, it would lose the benefit of experience, and hence I think there should be a centralized labor department with conciliation features so that there will be permanent machinery.

Mr. THOMPSON. Referring to the subject of collective bargaining, what are your ideas thereto as to utility and need and help to the worker and industry generally?

Prof. DEIBLER. Well, my own opinion is that in most cases—most industries—collective bargaining is necessary to protect the interest of the employee. The individual bargaining does not adequately protect the interest of the employee, for this reason, the wage to the individual is of much more importance to him than the services of one man is to the employer; but if all of the men agree to work in common his interest in all of their services is quite as much as the interest of any individual is in his own wage; consequently, in modern industry, I don't see any way out but what collective action is necessary to establish economic justice between employer and employee.

Mr. THOMPSON. Take the subject of trade-unions, as to method and scheme of their organization, either as to craft or industry, and also as to the method they use during time of peace and during time of strike; what have you to say to the commission.

Prof. DEIBLER. Well, that covers a number of points in that question, I think. Of course there is a good deal of agitation at the present time as to whether industry should be organized on the craft line or on industry lines. I have the opinion, feeling, perhaps I should say, that the tendency is in the direction of organizing labor on industry lines, so that the bargain will be coextensive.

Commissioner O'CONNELL. Do you mean organizing on industry lines or organizing an industry organization?

Prof. DEIBLER. Well, I have in mind this situation, that take the coal miners. There was a time in which there was some craft organization.

Commissioner O'CONNELL. That is an organized industry.

Prof. DEIBLER. Yes, sir.

Commissioner O'CONNELL. But not an industry organization, in the sense of organizing the entire——

Prof. DEIBLER. Oh, no.

Commissioner O'CONNELL. I want to differentiate between the two.

Prof. DEIBLER. Not taking all labor together, but making a collective agreement, coextensive with the individual; that is the thing.

Commissioner O'CONNELL. The organization of an industry?

Prof. DEIBLER. Yes, sir.

Chairman WALSH. Proceed. I think you were saying something when Mr. O'Connell asked you that question. I thought you didn't quite finish it.

Prof. DEIBLER. I was just saying I think the tendency was in the direction of organizing labor on the basis of the industry rather than on the basis of the craft.

Chairman WALSH. I thought you were going to give whether or not that was desirable.

Prof. DEIBLER. I think it is desirable, otherwise it tends in the direction of jurisdictional disputes, and I think it works for unrest and dissatisfaction all the way around.

Chairman WALSH. Where should the line be drawn?

Prof. DEIBLER. I think it should largely be drawn by the extent of the organization of the employers. If the industry includes certain classes of workers, I think on the whole it would be better that the agreement cover all that are involved there, otherwise there is a chance for the employer to play one group up against the other.

Commissioner O'CONNELL. In the steel industry, would you go into the ore, too?

Prof. DEIBLER. Well, I haven't thought of that particularly.

Commissioner O'CONNELL. For instance, the United States Steel Co., they own ore mines. Would you put them in one organization?

Prof. DEIBLER. Perhaps it might be necessary under those circumstances. I know some industries have difficulty. I know certain unions that have had to deal with such problems, and in negotiating their agreement they have negotiated for particular groups, although different unions. Of course those are problems.

Commissioner O'CONNELL. Would you put all railroad employees in one union?

Prof. DEIBLER. I think I would, as their tendency is in that direction; the federation is in that direction.

Commissioner O'CONNELL. I leave you to the mercy of Brother Garretson.

Prof. DEIBLER. I have no doubt.

Mr. THOMPSON. What have you to say with reference to the methods used by the unions in time of peace and in time of war?

Prof. DEIBLER. Well, could I ask to have that a little more specific?

Mr. THOMPSON. Well, I mean have you any views as to the method used, such as restriction of membership in time of peace; high initiation fee?

Prof. DEIBLER. I think the trade-union that undertakes to limit its membership by high fees tends to establish a monopoly of labor and is unwise from their point of view, and would be just as detrimental to the community as monopoly on the side of the employer.

Mr. THOMPSON. Take the limitation of output, check-off system, standardization of wages, closed shops.

Prof. DEIBLER. I do not believe in limitation of output, as it is commonly stated. Of course there are different kinds of limitation of output; we have limitation of output, I suppose, when we pass an eight-hour day, and things of that kind that would be perfectly legitimate if in behalf of humanity. If it is taking the matter into the hands of the employee without the consent of the employer and limiting the output, as the accusation is sometimes made, I think, that is detrimental. I think it operates detrimentally to the laborers themselves to the extent which the limitation of output goes when you abuse its use.

Mr. THOMPSON. Is there anything else you specifically have in mind that you would like to tell this commission which will throw light on industrial problems, in regard to any angle of it, on which you feel you have something to say and would like to say?

Prof. DEIBLER. I have not prepared a brief. I was expecting to answer questions more particularly.

Chairman WALSH. At this point we will adjourn to meet in this room tomorrow morning promptly at 10 o'clock.

(At 4.30 p. m., Thursday, July 23, 1914, an adjournment was taken until Friday, July 24, 1914, at 10 o'clock a. m.)

CHICAGO, ILL., *Friday, July 24, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Delano, Lennon, O'Connell, and Garretson. William C. Thompson, counsel.

Chairman WALSH. You may proceed now, Mr. Thompson.

Mr. THOMPSON. Is Mr. Gindele here?

TESTIMONY OF MR. CHARLES W. GINDELE.

Mr. THOMPSON. Will you give us your name?

Mr. GINDELE. Charles W. Gindele.

Mr. THOMPSON. Your business address?

Mr. GINDELE. 3333 La Salle Street.

Mr. THOMPSON. And your business?

Mr. GINDELE. General contractor in the building construction line.

Mr. THOMPSON. Your business is all over the country, is it?

Mr. GINDELE. To a certain extent; yes, sir. Of course, most of it in the Middle West.

Mr. THOMPSON. Principally in Chicago?

Mr. GINDELE. Very little work, if any, in Chicago.

Mr. THOMPSON. Are you speaking now or generally that you do little work here in Chicago?

Mr. GINDELE. We have not done any work to amount to anything in Chicago since 1887.

Mr. THOMPSON. Are you familiar, Mr. Gindele, with the labor conditions in the building trades in Chicago?

Mr. GINDELE. To a certain extent.

Mr. THOMPSON. Are you familiar with the conditions of labor in the building trades in the Middle West generally?

Mr. GINDELE. Not very much.

Mr. THOMPSON. Well, in your work as a contractor you have come in contact with labor. You use it, do you not?

Mr. GINDELE. Personally, I have not come in contact with labor to a great extent since 1900.

Mr. THOMPSON. 1900?

Mr. GINDELE. I am the head of the Charles W. Gindele Co., and the business is generally run by the general manager.

Mr. THOMPSON. Who is the general manager of the company?

Mr. GINDELE. Charles H. Rioch.

Mr. THOMPSON. Has he more information in reference to the labor problem than you would in that particular?

Mr. GINDELE. I hardly know as he would, for this reason: That in whatever city we do work in the construction line we comply with the conditions as far as labor is concerned in that city.

Mr. THOMPSON. I am speaking of the building industry in this city; is labor well organized?

Mr. GINDELE. Yes. sir.

Mr. THOMPSON. It is?

Mr. GINDELE. Yes. sir.

Mr. THOMPSON. Have the various labor organizations agreements with the builders?

Mr. GINDELE. To a great extent; yes, sir.

Mr. THOMPSON. Are the builders—I mean contractors—in the city of Chicago organized into an association?

Mr. GINDELE. Yes.

Mr. THOMPSON. Have they been for many years?

Mr. GINDELE. There have been contractors' organizations for years in the city of Chicago. There has always been what is known in the city of Chicago as the building contractors' association, which is out of existence at the present time, and in its place has sprung up the Building Construction Employers' Association, which organization at the present time, July 1, has in it 640 members; recently the carpenters' association affiliated with us, making an additional number of 506, making a total of eleven hundred and some odd members.

Mr. THOMPSON. Is it general in making arrangements with organized labor in this city that these associations of employers make agreements with the organizations of the unions?

Mr. GINDELE. Yes, sir; the major portion of them. The fan back here knocked off your question.

Mr. THOMPSON. I will talk a little louder. What I mean is, the individual contractor as such does not make an agreement with the union, does he? In other words, the agreements are made by the association of contractors?

Mr. GINDELE. In so far as your first question is concerned, the individual contractor has no hand in the making of the contract, the union generally puts the contract before him which he has to sign.

Mr. THOMPSON. The union seeks to make a contract, putting it in that way, and do they seek the contract from the individual contractor, or seek it from the association of contractors?

Mr. GINDELE. Well, there is an organization of employers, and they generally try to make an agreement with them, but there are some instances where

they go out on a strike, and if they get advantage of the strike they compel the employers to sign individual contracts of their own making.

Mr. THOMPSON. But leaving out the question of strike conditions, but in time of peace and the ordinary pursuit of the industry, the unions seek to make contracts with the organization or association of contractors?

Mr. GINDELE. Generally.

Mr. THOMPSON. In Chicago to-day is that the rule?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Have you an arbitration board in Chicago under arrangement with the unions in the building trade?

Mr. GINDELE. We have a number of arbitration agreements in existence in Chicago at this time. There is one agreement that is formulated between the two central organizations, the building construction employers' association on the one side and the building trades council on the other. That is an agreement in which any jurisdictional matters that may arise are to be adjusted by the joint conference committee, consisting of 12 members. Under the agreement, during the adjustment of the jurisdictional matter, there is to be no cessation of work. Then there is an arbitration agreement existing between the employers' association on the one side in a trade and the employees on the other side. But in a great many instances those agreements are not fully carried out by the employees. So far as the joint board of arbitration is concerned, those agreements stipulate that under no circumstances shall there be any cessation of work or any strike called by any business agent until the grievances have first been submitted to the two presidents of the organizations, and if they can't agree, to be submitted to the joint board of arbitration, but in a great many cases the business agents or officials of employees' organizations do not abide by that agreement.

Mr. THOMPSON. Taking up the first form of arbitration you spoke of, that relating to jurisdictional disputes. By jurisdictional disputes you mean, of course, the disputes between the ranks of the unions themselves, between different unions?

Mr. GINDELE. I can't quite catch all of that.

Mr. THOMPSON. You mean by jurisdictional disputes one that is between different unions?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Have there been many such disputes in the building trades in the city of Chicago?

Mr. GINDELE. Yes.

Mr. THOMPSON. Would you say they have been of frequent occurrence?

Mr. GINDELE. They were prior to July 18, 1912.

Mr. THOMPSON. Were these jurisdictional disputes marked with a great deal of——

Mr. GINDELE. Allow me to correct that. I think I said 1912. 1913, last year.

Mr. THOMPSON. Were these jurisdictional disputes marked with a great deal of bitterness on the part of the unions?

Mr. GINDELE. They were.

Mr. THOMPSON. Do you know whether there were any violations of the law in the carrying out of those disputes; I mean such as the beating up of men, and in other respects?

Mr. GINDELE. Up to the time of 1911 I wasn't very well conversant with the labor situation in Chicago for the reason I had retired to a great extent from business and also from the labor game, and in 1911 I again joined hands with some of the contractors of Chicago for the purpose of formulating the central organization which is in existence to-day. At that time and prior to that time the jurisdictional matters caused a great deal of trouble and distress in our city. From that time on they have been getting fewer and fewer, until we had a cessation of work in June and July a year ago. The outcome of that cessation of work brought about the formation of this joint agreement that is between the building trades council and our association to-day. At that time there were a great number of jurisdictional matters in dispute, and they were adjusted during that conference, and since that time there have been very few jurisdictional matters come up that the joint board had to adjust.

Mr. THOMPSON. The formation of your arbitration agreement was caused by the fact of these jurisdictional disputes, I take it?

Mr. GINDELE. To a great extent; yes, sir.

Mr. THOMPSON. In the formation of that board of arbitration to meet that condition, did you take into consideration the effect of the arbitration board in New York in the building trades?

Mr. GINDELE. Well, to a certain extent. The New York arbitration board really got their first formation of arbitration from the city of Chicago, the strike of 1900—or the lockout of 1900. At that time the building industry of Chicago got at peace and harmony, and continued so for a number of years, and in the meantime the building contractors' council was not as effective, because they thought peace and harmony would reign. But during the time organized labor again built up and became strong, and when they commenced feeling their strength, why, then again depredations and strikes, and such like, came on up until 1911, when the contractors again got together and then formulated the organization that exists to-day, on some different basis than it ever had been formed before. And as the thing stands to-day, we believe we have got about as good a system, as far as local conditions are concerned, to be adjusted in labor matters.

Mr. THOMPSON. Referring to the labor agreement that you have and the form of arbitration, is that in printed form?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Have you got a copy of that with you now, Mr. Gindele?

Mr. GINDELE. I have got a copy of the constitution and by-laws. This is the document; this is the constitution and by-laws [producing paper]. I wish to say, Mr. Thompson, with reference to our constitution and by-laws, they were formulated in the spring of 1911. The association has been in existence now for three years, and during those three years we have found where it has been advisable to amend the constitution and by-laws according to certain conditions that were encountered during the last three years, and the committee on the revision of the constitution and by-laws is at work at the present time, but they have not made their report as yet.

(A paper entitled "Synopsis of proceedings of joint conference committee, the Building Construction Employers' Association of Chicago and the Building Trades Council of Chicago, held at Chamber of Commerce Building, Chicago, July 3–18, 1913," and a booklet entitled "Constitution and By-laws of the Building Construction Employers' Association of Chicago," were submitted in printed form.)

Mr. THOMPSON. When they do, Mr. Gindele, would you mind seeing that the commission is furnished with a copy of the amendment?

Mr. GINDELE. With pleasure.

Mr. THOMPSON. Taking up the question of jurisdictional strikes, Mr. Gindele, again, in addition to the violence which you have spoken of, which they caused, did they cause a loss to workingmen, to contractors, and to the owners of buildings in this city?

Mr. GINDELE. They caused what, Mr. Thompson?

Mr. THOMPSON. A loss, financial loss?

Mr. GINDELE. Well, at any and all times when there is a cessation of work, there are losses.

Mr. THOMPSON. Have you got any record, or are there any records in existence in this city showing the number, character, and extent of the jurisdictional disputes here in the building trades?

Mr. GINDELE. Our association has none. We do not keep that sort of record; but the newspapers generally keep that record, and they keep it more accurately than the association, because we can't always get the full facts from both sides.

Mr. THOMPSON. Have you any opinion now in round figures as to the probable loss to the people of Chicago—working people and contractors and owners of property—arising from the jurisdictional disputes?

Mr. GINDELE. I can not give you any figures. All I can give you is what I have heard during the existence of jurisdictional methods that have brought about a cessation of work where the merchants and everybody else complained about dull times. I have no doubt it ran into millions of dollars.

Mr. THOMPSON. To put it in another form. Have those jurisdictional strikes been a serious financial loss to the community as such?

Mr. GINDELE. Yes, sir; they were prior to 1913. Not so much up to the present time.

Mr. THOMPSON. In this printed information which you have given to us with reference to the present arbitration board to take care of jurisdictional strikes,

does it contain all of the details of the organization and other information so that the commission will understand how it works?

Mr. GINDELE. Well, there is not much detail about it. The agreement just merely stipulates in itself that a joint committee is to exist, consisting of an equal number from the employers' and employees' organizations, and that any jurisdictional matters that may come up will be adjusted by that committee and there will be no cessation of work during the adjustment of it. That is about all the detail there is to it.

Mr. THOMPSON. Have any decisions been made by this board of arbitration?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Are they in writing?

Mr. GINDELE. Printed form.

Mr. THOMPSON. Printed form?

Mr. GINDELE. Those that have been made up to the present—to the date of this present pamphlet.

Mr. THOMPSON. Will you be willing to furnish the commission a copy of that document?

Mr. GINDELE. Yes. This is up to May 1, 1914. And there have been a few made since, which I will call on the secretary to furnish you before the commission adjourns.

(The witness later submitted, in printed form, a booklet containing "Decisions of the joint conference committee representing the Building Construction Employers' Association of Chicago and the Chicago Building Trades Council," under the joint agreement adopted July 18, 1913.)

Mr. THOMPSON. With regard to the organization in the building trades, Mr. Gindele, do you feel, from your experience as a contractor and builder, that a union among the men is a good thing? Do you feel that it is necessary, we will say, to have an organization among the contractors and builders also? In other words, do you believe that both sides should be organized and strongly organized?

Mr. GINDELE. Yes, sir; for this reason: For the welfare of the rank and file, with an agreement as it exists at the present time between the central organizations of our city, and if it is abided by by the parties affiliated with the agreement it is something that the rank and file has never had heretofore. As the agreement stands, and if it is abided by by the parties to the agreement, the rank and file is in a position where when he leaves the house in the morning he is guaranteed a day's work, and where before this agreement was formulated he never knew when he would have a day's work or whether he would not have a day's work. But one trouble is that as far as the agreement is concerned on the party of one side they do not quite all acquiesce to the agreement. A major portion of the affiliated bodies of the building trades council adhere to the agreement, but there are some dissenting organizations. Why, I know not. They evidently know to the best of their own reasons about it, but if every organization of employees would adhere to the agreement as it exists between the two central organizations I know of no better system to bring about rest in industrial building in the city of Chicago.

Mr. THOMPSON. In your opinion, do you believe that you could have brought about this present arbitration agreement of settling jurisdictional disputes if you had not had a strong body of contractors, or organization of contractors?

Mr. GINDELE. The agreement that is in existence to-day between the two central organizations was brought about by a very small organization of contractors at the time it was installed. The labor element, the conscientious labor element, was heart and soul for the formation of this agreement; and the conscientious labor man, leader, to-day upholds it, and is only too willing and anxious that it shall remain in existence.

Mr. THOMPSON. Were you in the city of Chicago, Mr. Gindele, at the time of the late brick strike?

Mr. GINDELE. Yes.

Mr. THOMPSON. Do you know whether or not the brickmakers who went on a strike were affiliated with the building trades or not?

Mr. GINDELE. I understand the brickmakers were affiliated with no organization.

Mr. THOMPSON. About how many brickmakers were there on a strike, in general numbers?

Mr. GINDELE. All I know is from the report I have seen in the daily papers, about 2,700.

Mr. THOMPSON. About 2,700? What was the effect of that strike of 2,700 men on the building industry of the city of Chicago?

Mr. GINDELE. It was quite extensive. It threw out of employment in the building industry, according to calculation of our association, 125,000 to 150,000 men.

Mr. THOMPSON. What was the loss in wages, in your opinion, to the 125,000 to 150,000 workers in the building trades who were thrown out of work by reason of the strike?

Mr. GINDELE. Not having made any tabulation or calculation and from what reports I have seen from the papers, over a million of dollars.

Mr. THOMPSON. A million dollars per month?

Mr. GINDELE. No, sir; during the three months. On those figures I am not positive, you know.

Chairman WALSH. Your approximation is that the loss of wages ran into the millions of dollars?

Mr. GINDELE. Yes; I don't undertake to state that as far as the building industry is concerned, but also as far as the general public is concerned.

Mr. THOMPSON. Now, Mr. Gindele, have you any opinion or any remedy in mind or anything which would help the situation like that and prevent such an enormous loss to the community by reason of a strike of a few hundred men?

Mr. GINDELE. I didn't get the question.

Mr. THOMPSON. In the consideration of that trouble and the loss it occasioned to third parties, have you any idea as to what should be done to remedy such a situation?

Mr. GINDELE. Yes, sir. I believe if every organization of employers in the city of Chicago should affiliate with some central party and that body have an agreement with the employees similar to the agreement that exists between the building employers' association and the building trades council, it would do away with all difficulties so far as the future is concerned with reference to agreements and such like and which has existed heretofore and which exists to a certain extent to-day. The one-man power on the employees side, known as the business agent, has got entirely too much authority. There are a number of organizations of employers and employees which have agreements between them and the business agent to a great extent ignores the stipulations in those agreements. If he finds anything that in his mind he thinks should not be, whether it is right or wrong, he calls off the men, not only as far as his part of the work is concerned, but with the exchange of cards the business agents have, they also call off the other men, and not paying any attention or abiding by the agreement. Wherever any difficulty arises under that agreement the business agent's duty should be to notify the president of his organization, and the two presidents get together, as I sated in the fore part of my testimony, if they could, to adjust the differences, and if they can't adjust them, then the matter should go to the joint board of arbitration. If they would conform to the agreement there would be a great deal of trouble that would be avoided and a great many men have their day's work. But the power is too great—the one-man power.

Mr. THOMPSON. What remedies would you suggest, Mr. Gindele, to reduce the power of this one man, who apparently violates agreements made in good faith?

Mr. GINDELE. First of all, I believe that any and all labor organizations ought to be incorporated under the State laws of every State they exist in, so that they would become a responsible body. As they are to-day they are an irresponsible body in case of trouble. The same way as far as the employers' organizations are concerned. And when that can be brought about, rules and regulations can be made whereby the business agent, calling for a strike, not having given it a thought, but calling it promiscuously, there would be a punishment imposed upon him, and for the second offense that he be removed from office.

Mr. THOMPSON. I didn't get the last, Mr. Gindele.

Mr. GINDELE. And for the second offense be removed from office.

Mr. THOMPSON. Have you any ideas as to what reforms could be carried on in the organizations of the unions themselves which might curb or prevent the exercise of such arbitrary power by one man?

Mr. GINDELE. That is a reform that ought to be brought about within the organization itself.

Mr. THOMPSON. You have no notions as to how it might be obtained?

Mr. GINDELE. It could be done by perhaps a referendum vote or election where each and every individual of the organization can deposit his ballot as he sees best, and after that ballot has been deposited that it is fairly counted.

Mr. THOMPSON. You think that would help a lot?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Referring to the employers' associations, Mr. Gindele, where you have a strong employers' association, has it the power to discipline one of its own members?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. So as to compel him to perform and carry out contracts made?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. With organizations of labor?

Mr. GINDELE. Yes, sir. The building constructors employers' association membership are under bond; each and every individual member executes a bond in accordance with the amount of work that he generally does during the year. He also signs an agreement, which stipulates as to what the duties are and for any violation, and if he violates any of the stipulations or anything that the executive board may do or bring about the matter is brought before the grievance committee, the case investigated, and a penalty imposed.

Chairman WALSH. Has he a form of the bond?

Mr. GINDELE. If he don't pay the penalty, why, we call on the bondsman.

Mr. THOMPSON. Have you a form of the bond that you use in your association?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Will you furnish the commission with it?

Mr. GINDELE. Also a form of the agreement.

Mr. THOMPSON. While he is getting those documents I will ask you this question, Mr. Gindele: A strong employers' organization gives an opportunity to repress the unfair employer and to compel him to conduct fair means.

Mr. GINDELE. Those who are members of the organization; yes, sir.

This is the agreement that each individual member has to execute.

(The agreement mentioned was submitted in printed form.)

And this is the bond that covers the agreement.

(The form referred to was submitted in printed form.)

Mr. THOMPSON. Have you in operation in Chicago, Mr. Gindele, a system among the unions known as the permit system?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. What is the permit system?

Mr. GINDELE. The permit system—first, an organization, a certain number of members, and they feel inclined to take in no more members into that organization, although in that craft there may be a number in the city or there may be a number who come from other cities who belong to and carry the card of the international organization or the national organization. The employees' organization, instead of increasing its membership when application is made, they issue a permit. For instance, I want a man in a certain trade, and I call upon the office of the secretary of that trade and ask him if he can send certain men to my job. He says, "Mr. Gindele, we haven't got any now; we will send you a permit man or two." They give that man a permit. He comes to my job. The consequence is he may be a good, first-class mechanic, and I am pleased to have him. But just so soon as one of the members of the organization is out of a job they send that man to my job and take off my permit man, whether I like it or not, whether the man they send is as competent as the one I have got. The permit business is something that is detrimental, not only to the employee but also to the employer to a great extent.

Mr. THOMPSON. What remedy would you suggest for it, Mr. Gindele, if you have one?

Mr. GINDELE. Well, there could be several. First of all take the permit men, for the reason, if he is a union man, they have a right to give him a clearance card. That clearance card ought to allow him to work on any job in the city. If they do not want to take him up as a member, or if he don't want to take or feel inclined to become a member of this local, he may be a local of some other city; second, if the permit system should exist and he be carried on in the future, the employer should have the right to say when that permit man is to be laid off, and not to be laid off at the dictation or suggestion of the business agent.

Mr. THOMPSON. These permit men, of course, are union men?

Mr. GINDELE. Yes.

Mr. THOMPSON. And belong to the same international?

Mr. GINDELE. Same national or international organization.

Mr. THOMPSON. What is your idea of the reason that the local unions in Chicago insist upon handling the matter in the way you say they do?

Mr. GINDELE. As I understand—I do not know it to be a fact, but I believe it—the permit man pays a certain amount to the business agent or the association for the privilege of working, and in that way quite a revenue—to whom I know not.

Mr. THOMPSON. Is the system in general operation in the city of Chicago?

Mr. GINDELE. To a great extent.

Mr. THOMPSON. Have you any other ideas as to the method of settling jurisdictional disputes other than what you have stated?

Mr. GINDELE. I know of no other. I believe the system that we have adopted, as far as our local conditions are concerned, are about the best that we have found out in all the years of this labor unrest.

Mr. THOMPSON. But these international unions, Mr. Gindele, who have jurisdictional disputes here operate, most of them, all over the country, do they not?

Mr. GINDELE. To a great extent; but still at the same time you take it, as far as national or international organizations are concerned, and a jurisdictional matter should spring up between some of their affiliated bodies and in annual convention convened, those who who have the major portion of the influence of that body, whether right or not, harass. Also the national bodies have made decisions that conflict with one another and thereby bring about greater unrest. If the jurisdictional matter—that is, the settling, or the system that has been put in Chicago—be central organizations, where local conditions are concerned, they are more versed with the situation and know better how to decide, as far as jurisdictional matters are concerned.

Mr. THOMPSON. Do you see any danger in the fact you may have in Chicago one settlement of a jurisdictional dispute and in New York you may have the opposite settlement?

Mr. GINDELE. No; for the reason we decide on local conditions.

Mr. THOMPSON. But does that embrace the conflict between international organizations for possession of the work?

Mr. GINDELE. As far as our present conditions in Chicago are concerned, with our employees we have agreed to abide by the decisions, so far as local conditions are concerned, irrespective of any decision, so far as the national organization is concerned.

Mr. THOMPSON. You believe that is the best method?

Mr. GINDELE. Yes; for the reason the conditions here may be a great deal different from what they are in New York, Cincinnati, or elsewhere.

Mr. THOMPSON. In your business as a contractor, coming in contact with labor, I presume you have some idea with reference to the industrial unrest which is said to exist in the Nation?

Mr. GINDELE. I know not so much about what exists in the Nation, but as far as the unrest is concerned in our city here, it is caused greatly by certain labor leaders, and especially so far as the business agent is concerned; there would be very little unrest in the labor conditions in our city if each party would carry out the agreement to the letter as they exist.

Mr. THOMPSON. Where labor is unorganized there is no business agent, of course?

Mr. GINDELE. Certainly not—I don't suppose there is.

Mr. THOMPSON. Do you believe that unorganized labor in and about Chicago is contented with its lot?

Mr. GINDELE. I don't believe they are as contented in their lot as organized labor would be contented provided the agreements are carried out according to the letter and spirit of them.

Mr. THOMPSON. I am speaking more generally of industrial unrest on behalf of the people as a whole.

Mr. GINDELE. Well, as far as the whole is concerned, I believe that, as far as the field is concerned—I am speaking now of the building industry and not in other branches—that organized labor fares better than unorganized labor, but I believe, as far as shop conditions are concerned, that unorganized labor fares better than organized labor, for this reason: In shops the men are generally employed the year around, year in and year out. In the field it is a floating craft, as far as craftsmen are concerned, and I believe, as far as shop condi-

tions are concerned, they are a hundred per cent better off without union conditions than they would be, for the reason that if union conditions existed in shops there is always some disturber among them who creates a sort of dissatisfaction, and after he has created the dissatisfaction he dwindles out of sight and has nothing said about him, and for that reason I believe shop conditions ought to be left open for the welfare of the employees and in the field work union organizations.

Mr. THOMPSON. With reference to the general cause of industrial unrest, you have nothing to say—you have no opinion as to whether a general state of unrest exists or not, outside of the building trade?

Mr. GINDELE. Well, I haven't given much attention outside of the building trade. I have made that more of a study, but evidently there is not so much unrest in the unorganized labor in our country for the reason that there is a very small per cent of it organized, and if a general unionism throughout the country is more beneficial than unorganized labor I naturally suppose there would be more organizations.

Mr. THOMPSON. Referring to the building trades again, just for a moment. You say you do business not only in Chicago, but throughout the Middle West here?

Mr. GINDELE. Yes, sir.

Mr. THOMPSON. Do the Chicago decisions with reference to jurisdictional matters have weight elsewhere, outside of Chicago?

Mr. GINDELE. They have, as far as any work of my company is concerned.

Mr. THOMPSON. Isn't it a fact your business is not a local business—the building trade is all more or less of a nation-wide character?

Mr. GINDELE. Well, we are not local and we are not nation wide for this reason: There are certain corporations we do some work for within a radius of 500 miles of Chicago and we very seldom go beyond that radius.

Mr. THOMPSON. That is all.

Commissioner GARRETSON. You made the statement you believed labor organizations should be incorporated as well as employers' associations, and that a business agent who violated an agreement should be punished therefor, and for the second offense removed from the office. That was your declaration?

Mr. GINDELE. That is, as far as the building industry is concerned, in our city.

Commissioner GARRETSON. Yes; I am perfectly willing to narrow it to the building industry. Do you believe that the contractor or subcontractor who violates an agreement should be punished and the second time be barred from following that avocation?

Mr. GINDELE. I do.

Commissioner GARRETSON. Good. That is all.

Commissioner DELANO. Mr. Gindele, when you do work in a city, whether Chicago or elsewhere, where these labor conditions are such as to cause jurisdictional strikes or interruptions, does that add to the cost of doing work—building work?

Mr. GINDELE. Any cessation of work adds to the cost of the building work.

Commissioner DELANO. Well, who in the long run pays that cost; do you contractors have to stand it or do you add it to the cost of the building?

Mr. GINDELE. To a greater extent it is paid by the contractor for the reason that he has a set price for his work. And if any cessation of work occurs during the construction of that building he is in no position to stop his overhead expense, and in that way it increases the cost to the contractor.

Commissioner DELANO. If you take a job in the city that was notoriously bad in that respect, or where you had had bad experience before, would you, in making your bid for work, or would any other contractor—would he add something to the price of doing the work?

Mr. GINDELE. Some might and some would not. Those that did would be liable to lose the job.

Commissioner DELANO. That is all, Mr. Chairman.

Chairman WALSH. Mr. O'Connell.

Commissioner O'CONNELL. Mr. Gindele, have there been any members of your association expelled for noncompliance with the rules and regulations?

Mr. GINDELE. No, sir.

Commissioner O'CONNELL. Have there been any concerns in your association that have violated their contracts with the unions?

Mr. GINDELE. Yes, sir.

Commissioner O'CONNELL. What has been done in their case?

Mr. GINDELE. They have been fined.

Commissioner O'CONNELL. Fined how much?

Mr. GINDELE. According to the offense—from $50 to $250.

Commissioner O'CONNELL. About how many of them have been fined $250?

Mr. GINDELE. Oh, quite a number of them; I don't know just how many offhanded.

Commissioner O'CONNELL. Fifty?

Mr. GINDELE. Sir?

Commissioner O'CONNELL. Fifty of them?

Mr. GINDELE. No; I don't think there were that many that were fined—50 of them fined $250. There was quite a number. Perhaps the secretary, when you get him on the stand, can tell you that.

Commissioner O'CONNELL. Have any of these that have been fined been fined a second time?

Mr. GINDELE. No, sir.

Commissioner O'CONNELL. The one fine seemed to correct it?

Mr. GINDELE. It helped it.

Commissioner O'CONNELL. Are there any particular firms that seem to have trouble more than other firms with the unions or the business agents?

Mr. GINDELE. Well, that depends a good deal on the magnitude of the job. For instance, you take a large building like the Lumber Exchange that is being constructed across the way, when it gets a little further advanced there will be a large number of crafts working in the building. And sometimes from the number of craftsmen there, little difficulties may arise—it gives a general contractor a little bit more trouble than if we were out on the prairie somewhere putting up a flat building or something like that, so that the larger number of people employed of the different crafts there is more apt to be trouble.

Commissioner O'CONNELL. Did I understand you to say that you believed the workmen on the outside or in the building should be organized, but those in the factories should not? Did I get your idea right on that?

Mr. GINDELE. You did; yes, sir.

Commissioner O'CONNELL. What is your reason for that peculiar theory?

Mr. GINDELE. As I stated before, shop employment—the shop employees are generally hired throughout the year, year in and year out, where in the field it is a floating craft, and the employee has not the same advantage to put in his day's work as he has in the shop, and where there is an open shop there is more of a tendency to keep harmony than where it is unionized, and you get some disturber amongst the men in the shop who creates trouble. That is my reason for believing that an open condition as far as show work is concerned is better than a unionized shop.

Commissioner O'CONNELL. What is your reason for that, Mr. Gindele?

Mr. GINDELE. For this reason, it is a great deal better to deal with organized labor in the construction of buildings than with unorganized labor for this reason. The agreement existing between the organized employers and employees on that building, as you know, the conditions that you have got to work under and the wages you have got to pay.

Commissioner O'CONNELL. That brings the matter of putting up a building down to rather a science?

Mr. GINDELE. To a certain extent.

Commissioner O'CONNELL. Would not that same thing apply in a building of a locomotive, where they have a number of employees building different parts, or in the making of an automobile or a street car, or any particular thing in which a number of people were engaged rather cooperatively in building? Would not the same science be necessary to bring about the best results there?

Mr. GINDELE. As far as the result is concerned, my experience is very limited in reference to mechanical work of that nature. I believe in the shops that you have mentioned, Mr. Commissioner, that most everybody has a sort of special piece of work to perform.

Commissioner O'CONNELL. Well, take the printing of a great newspaper in the city of Chicago. You have the printing department, and the press department, and the stereotyping department, and the different number of departments, but they are all cooperating together to get out a great newspaper here in the morning. Is that not the same cooperation—getting along together? And shouldn't the same principle obtain there?

Mr. GINDELE. Maybe so. I am not so well versed with that. As I stated in opening my testimony, I am only talking in regard to the building industry. As

far as open shop is concerned in the building industry, I want to explain this, that the man in the mill that does the millwork—maybe make the trims, or make a show case, or he may make a table, or this or that—he ought to be in a position where, if he is through with a piece of trim, that he can put him on something else—a show case, a table, as the case might be. With organized labor in the shop, he would not be able to do that, because they would define their work—Tom does this, and Harry does that, and Pat does the other. Therefore I say that the open-shop condition, as far as the building industry is concerned, is better off in that way, as far as the employer and employee both are concerned.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. Mr. Gindele, let us go back to the matter of the adjusting of jurisdictional questions. This matter has been before the commission a number of times. And I want your view as to why it would not be for the benefit of the building trades generally if the jurisdictional disputes could be settled nationally so as to cover the whole country. Why would that not be a benefit? Just take some specific case if you wish; take the case between the carpenters and metal workers. Suppose that could be settled for the entire Nation by the organizations at interest, or by a combination of the contractors' organizations and the trades involved, would that be a better thing to settle in Chicago in one way and in New York in another way, and in Philadelphia in another way?

Mr. GINDELE. It might be if political influence was not brought to bear on the decision to be rendered.

Commissioner LENNON. You do not mean national political influence?

Mr. GINDELE. No, sir.

Commissioner LENNON. You mean with the union?

Mr. GINDELE. I mean organized political influence; there is as much political influence in the organization as there is any place else.

Commissioner LENNON. You think the plan could be worked out that way satisfactorily, to settle it nationally?

Mr. GINDELE. Not as well as locally.

Commissioner LENNON. Where it is settled locally, is it not true that that is likely to be the cause for controversy in settling it somewhere else? A union gets an advantage in settling in Chicago. They are at a disadvantage in Quincy, I will say, because of the difference. Isn't it likely to reopen the matter, reopen the fight in Quincy in order to get the same thing they have got in Chicago?

Mr. GINDELE. No, sir; not unless, or when they settle on local conditions.

Commissioner LENNON. Not when they settle on local conditions?

Mr. GINDELE. No, sir.

Commissioner LENNON. If the shops where trim is made and furnishings are made for buildings are run unorganized, how are the men to secure a reduction of the hours of labor, for instance, or the increased wages? How is that to be done? How are they to better their conditions in that regard?

Mr. GINDELE. If they are working for a fair-minded employer, he will reduce the hours of work in accordance with the capacity of the men, for he knows that the human being is a good deal like the beast, that you can not overwork him and get the best results. The shorter hours that he works the better the results as far as his work is concerned, and pay him a fair rate of wage.

Commissioner LENNON. Is not the fair-minded employer subject to the influence of competition of the unfair man?

Mr. GINDELE. Well, to a certain extent. Still, at the same time, he can't put himself on the same basis as the unfair man, because he seeks his work in different places as the unfair man does. We have men in our city who are paid beyond the scale of wages in years gone by, the one wage exists, and they haven't taken advantage of the supply being larger than the demand.

Commissioner LENNON. Do you feel, then, that the building trades ought to be organized and not the shopmen? Is not that a good deal because of the fact that the contractors are organized and they want the building trades organized for protection and for their benefit?

Mr. GINDELE. No, sir.

Commissioner LENNON. It is not?

Mr. GINDELE. No, sir.

Commissioner LENNON. That is all, Mr. Garretson.

Commissioner GARRETSON. I want to ask another question: Mr. Gindele, in answer to Commissioner O'Connell as to your attitude toward who would and

who should not be organized, I understood your differentiating point is whether the employment——

Mr. GINDELE (interrupting). The what?

Commissioner GARRETSON (continuing)——of the men is outside and seasonal, or whether they are steadily employed; is that it? Is that what you base it on?

Mr. GINDELE. I didn't quite catch your question, Mr. Commissioner.

Commissioner O'CONNELL. He didn't hear you quite.

Mr. GINDELE. You see this fan makes so much noise.

Commissioner GARRETSON. Is your idea that men who are steadily employed and not subject to seasonable conditions are better off unorganized, and men whose employment is seasonable should be employed?

Mr. GINDELE. I have always found that in every place that I have been conversant with the matter.

Commissioner GARRETSON. Well, take a class of men who work 365 days a year—I am saying 365 advisedly—the railway employees in train and engine service; do you believe that they would be better off unorganized than organized, and would their employers be better off?

Mr. GINDELE. Provided they organized for a certain purpose, if they organized for their protection as far as health, as far as hours of work, and as far as wage is concerned, perhaps they would. But where shop conditions exist as they existed in the past, and men being employed year in and year out and at a fair rate of wage and a medium number of hours, I think they are better off in the open shop.

Commissioner GARRETSON. You believe, then, that better results would be obtained, both by the men and the employer, if the railway employees were not organized?

Mr. GINDELE. Well, I haven't had any experience as far as the railway employee is concerned, and I don't know; I am not conversant with his condition as well as I am with the building industry.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all. Thank you.

Mr. GINDELE. Before I leave the stand, Mr. Thompson asked me a question I didn't quite catch fully, and I want to state this, when he asked in reference to what I thought was the best way to overcome the unrest. I believe that if there were less organization of different crafts, in Chicago or elsewhere, that there would be better conditions under agreements. For illustration, you take the district council of carpenters of our city here to-day, which is composed of a large number of locals, but all those locals are working under the same agreement. Now, if the same thing could be accomplished in the other branches—for instance, the pipe trades, which would cover steam heating, plumbers, gas fitters, and such like—they to be under one organization and under one agreement so that the employers should call here and there a gas fitter or a plumber, as the case might be, and then he would not be infringing on one or the other member's trade. By that way it would create and bring about a good deal of rest. Furthermore, there are certain lines of trade to-day that are specializing their work. For instance, in the plumbing trade, in years gone by, the plumber would come on the job; he would do the roughing-in, and when the roughing-in was done the plasterer got to work, and he would also put in the fixtures. Now, that is getting specialized. There is one fellow who does the roughing-in, and another fellow comes along and he does the fittings. Now, they have all got different agreements. Now, if they were all organized under a district council, the same as the carpenters are organized, why, then, we would be working all that craft in the different lines under that one agreement instead of having three or four agreements in the meantime in effect and bringing about this unrest which you gentlemen are seeking to correct. Now, the same way in other lines. Now, if that could be brought about, why the consequence would be there would not be near the trouble, and there would be less agreements which we have our attention called to to carry out.

Chairman WALSH. Mr. Delano would like to ask you a question.

Commissioner DELANO. I want to ask you a question further along the line of increasing the cost of doing work. In these jurisdictional cases, do you have any trouble from having a skilled craft claim the jurisdiction and doing a piece of work that can be done just as well by unskilled labor? For instance, take the case of reinforcing rods—fitting reinforcing rods in concrete. You are required in some places to employ high-priced skilled labor to do that, whereas in other places you can employ ordinary laborers.

Mr. GINDELE. Well, in that to a great extent it brings about the increased cost of building, where you employ skilled labor where it can be done by unskilled labor. A great many of the jurisdictional matters are brought about very unreasonably. The business agent for the welfare of his organization will sometimes claim things which really he has no right to do and thereby bring about jurisdictional troubles. Now, if all these matters, as in the building line at the present time, there is always something new creeping in, and just as quickly as some new line of material or something in the line of trim, or anything of that kind, certain organizations make a grab for that work and other organizations do the same thing, and bring about these jurisdictional matters. Whenever anything of that kind occurs, with the agreement we have in Chicago, and especially as far as the employers' association is concerned, which takes it mostly upon themselves, anybody who brings in new material, they make an examination and determine what craft is to install that kind of material, and by doing that we save considerable trouble.

Commissioner DELANO. Do those matters increase the cost of doing work, and if so, on whom does that increase fall?

Mr. GINDELE. As I stated before, any time a jurisdictional matter causes a cessation of work it increases the cost, and the increased cost comes on the contractor to a certain extent, on account of the overhead expense and the implements lying idle and interest on the money and the amount of money invested in the building.

Commissioner DELANO. That is all.

Chairman WALSH. That is all. Thank you. Call your next.

Mr. THOMPSON. Mr. O'Donnell.

TESTIMONY OF MR. SIMON O'DONNELL.

Commissioner LENNON. Ask him first to talk loud.

Mr. THOMPSON. It is requested you speak loudly.

Mr. O'DONNELL. I don't, as a rule, speak very loud. I will try to make myself heard, though.

Mr. THOMPSON. Will you please give us your name?

Mr. O'DONNELL. Simon O'Donnell.

Mr. THOMPSON. And your business address?

Mr. O'DONNELL. As it happens, I represent the plumbers, also, as well as being president of the building trades council.

Mr. THOMPSON. Give us either address.

Mr. O'DONNELL. 166 Washington Street, room 700.

Mr. THOMPSON. You may state the positions you occupy.

Mr. O'DONNELL. I am representative of the Chicago Journeymen Plumbers' organization and also business agent; also active president of the building trades council—chairman of the Chicago Building Trades Council.

Mr. THOMPSON. How long have you been business agent of the plumbers' union here?

Mr. O'DONNELL. About 14 years—13 or 14 years.

Mr. THOMPSON. How long have you been president of the building trades council?

Mr. O'DONNELL. Going on five years.

Mr. THOMPSON. How long has the building trades council been in existence as a body?

Mr. O'DONNELL. In the city of Chicago?

Mr. THOMPSON. Yes.

Mr. O'DONNELL. Well, there was a building trades council before I ever showed on the job. Do you refer to this present building trades council?

Mr. THOMPSON. Yes; that is now in existence.

Mr. O'DONNELL. The one now in existence?

Mr. THOMPSON. Yes.

Mr. O'DONNELL. I believe about six years.

Mr. THOMPSON. What is the object and purpose and jurisdiction of the building trades council in the labor world here in the city?

Mr. O'DONNELL. We have jurisdiction over what is known as Cook County and vicinity, over all the labor that goes into the construction of a building. Taking in all the trade crafts and laborer organizations.

Mr. THOMPSON. Is your body under charter from the American Federation of Labor?

Mr. O'DONNELL. Through the building trades department.

Mr. THOMPSON. Through the building trades department?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. Is there any conflict in the jurisdiction of your body and that of the Chicago Federation of Labor?

Mr. O'DONNELL. No; none at all.

Mr. THOMPSON. Does your body and the Chicago Federation of Labor work harmoniously and cooperate in labor matters in this city?

Mr. O'DONNELL. In a way. Our body does not affiliate with the Chicago Federation of Labor as a body, but we do affiliate through our organizations. The affiliated organizations in the building trades of Chicago also have affiliation with the central body known as the Chicago Federation of Labor.

Mr. THOMPSON. By that you mean that, say, the plumbers have delegates to the Chicago Federation of Labor?

Mr. O'DONNELL. What is that?

Mr. THOMPSON. By that you mean the plumbers have delegates to the Chicago Federation of Labor?

Mr. O'DONNELL. They may affiliate or may not, just as they see fit; but they do; that is, most of them.

Mr. THOMPSON. Is your body affiliated with the Illinois Federation of Labor?

Mr. O'DONNELL. Individually through the organizations, that is the only way. Our body is not; no, sir—just a moment, I believe we are. We were a year ago, and I believe we are paying our per capita tax in there, I think so, I would not say for sure.

Mr. THOMPSON. About how many workingmen in the city of Chicago are there engaged in the building trades that are organized?

Mr. O'DONNELL. About how many men, you say, are working in the building industries that are organized, you say?

Mr. THOMPSON. Yes; that belong to unions, affiliated unions, in your organization.

Mr. O'DONNELL. I think we issue cards to the extent of between seventy-five and eighty thousand.

Mr. THOMPSON. Are there other organizations working in the building trades that are not affiliated with your organization?

Mr. O'DONNELL. Not that I know of.

Mr. THOMPSON. You would probably know them if they existed?

Mr. O'DONNELL. I haven't been able to discover any in the last two or three years.

Mr. THOMPSON. There used to be organizations that were unaffiliated, were there not?

Mr. O'DONNELL. Yes; the building trade was in a split condition about two or three years ago—they were divided.

Mr. THOMPSON. Did you hear the testimony of Mr. Gindele given here?

Mr. O'DONNELL. I heard some of it.

Mr. THOMPSON. Has your organization an agreement with the master masons' association?

Mr. O'DONNELL. We have an agreement with what is known as the construction employers' association, which takes in, I believe, some of the master masons and carpenters—that is, the carpenter contractors' associations and most of the contractors that handle the buildings are members of that—most of them.

Mr. THOMPSON. Prior to the formation of this arbitration board that Mr. Gindele spoke of, there were a great many jurisdictional fights in the city of Chicago in the building trades, were there not?

Mr. O'DONNELL. Yes. Yes; there were quite a few.

Mr. THOMPSON. And a great deal of trouble arose and a great deal of violence?

Mr. O'DONNELL. I won't say there was any violence; but quite a number of disputes and in some instances strikes called on account of disputes.

Mr. THOMPSON. At least the papers in Chicago had a great many accounts of violence arising from that trouble, did they not?

Mr. O'DONNELL. Yes; but very often the papers call the attention of the public when different acts of violence came off that they blame on the laborers anyhow. We were not in a position to dispute that anyhow; we have no paper.

Mr. THOMPSON. And there was a great loss financially to the members of the organization and the labor organization and the public generally because of the jurisdictional disputes?

Mr. O'DONNELL. What you mean is a considerable annoyance to the public?

Mr. THOMPSON. The loss of wages to the worker, was there not?

Mr. O'DONNELL. I believe more a source of annoyance to the wage earner—the fellow working on the job—than it was to anybody else. I do not know how it affected the public.

Mr. THOMPSON. That answers that. Mr. Gindele spoke of the arbitration board. Has there been a decrease of jurisdictional fights in this city since the inauguration of that board?

Mr. O'DONNELL. Yes; considerable.

Mr. THOMPSON. Considerable?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. In your opinion is the present arbitration board established for the purpose of preventing jurisdictional disputes the best method of handling that proposition?

Mr. O'DONNELL. Well, what it was originally intended for was to take care, not of disputes especially, but especially jurisdictional strikes brought on by disputes. I do not know as we will ever be able to eliminate the disputes. I guess they will always be with us; but our intention was to eliminate disputes or strikes—strikes on account of the disputes.

Mr. THOMPSON. Have you any opinion as to whether it is better to settle jurisdictional disputes in a nation-wide manner, or whether they should be settled locally, one way in one city and another way in another city?

Mr. O'DONNELL. I have my own opinion. I have discovered to my satisfaction—I feel this way: It would be absolutely impossible for any body of men or any set of men or any one man to sit down here and lay down jurisdictional laws to cover certain classes or work that would be applied successfully throughout the country on account of local conditions being so different. I could cite you numerous cases. I could call you attention to instances such as in my business, the plumbing business. For instance, in the city of New York the steam fitters do sprinkling fitting, and in Chicago here we have what is known as the sprinkler fitters' organization, a local in itself, which does nothing but install these sprinkler heads, sprinkler systems. In Pittsburgh we have a plumber who does gas fitting, and in Chicago we have a gas fitters' organization, and so on down the line. I claim they are entirely different.

Mr. THOMPSON. Referring now not to a settlement, Mr. O'Donnell, made in the city, but to a national settlement by a body with authority to settle it in such manner should take into consideration the varying conditions in each city and make a decision for each city, would that be, in your opinion, a good method of settling the industrial problem?

Mr. O'DONNELL. If they could do that.

Mr. THOMPSON. Isn't that just what has been done in the recent amalgamation of your organization of the plumbers?

Mr. O'DONNELL. That is what has been done.

Mr. THOMPSON. Well, but didn't that same body, while locally you settled it here, and while locally it was settled also in St. Louis, and while locally it was not settled in New York for instance——

Mr. O'DONNELL. In some cases they followed different lines.

Mr. THOMPSON. But we will overlook those. Were your international officers seeking to arrange for a national settlement; wasn't that true in case of the amalgamation of your two bodies?

Mr. O'DONNELL. I think there were some sort of steps to bring about a national agreement—an international agreement between both the contractors and the building-trades department. Is that what you refer to?

Mr. THOMPSON. No; I mean in the case of the amalgamation of the two organizations, the steam fitters and the plumbers. Mr. McAlpine, the head of the amalgamated organization.

Mr. O'DONNELL. Oh, I see, you are getting back. Yes, that is so.

Mr. THOMPSON. And he and the other officers, however, helped to bring about this settlement of the jurisdictional dispute between those two trades, did they not?

Mr. O'DONNELL. We decide our own jurisdictional disputes.

Mr. THOMPSON. I understand that.

Mr. O'DONNELL. It is all one head now; all the trades under that body.

Mr. THOMPSON. Well, then, what he would say about that would probably be the fact, would it not?

Mr. O'DONNELL. Yes, sir.

Mr. THOMPSON. There have been a great many other strikes in the building trades, Mr. O'Donnell, in this city, have there not, other than jurisdictional strikes?

Mr. O'DONNELL. No, I can't say there has been.

Mr. THOMPSON. Well, you have had some experience in strikes, have you not?

Mr. O'DONNELL. Yes, quite a few. There have been incidents where some dual organization would attempt to work on a building, as against the organization that was affiliated with the building trades council, or something like that—strikes called on that account.

Mr. THOMPSON. Well, I want to be broader than that jurisdictional dispute; I want to take in any kind of character of strikes. Now, from your experience as a labor leader, what would be the best method to prevent, in the first place, the beginning of a strike and, in the next place, if it should occur, to settle it? Have you got any remedies or suggestions that you would like to make to this commission with regard to that matter?

Mr. O'DONNELL. I have no other remedy, only the one that I am trying to work to a conclusion, and that is this agreement that we have now with the construction employers' association, which, if carried out to the letter, would prevent trades from calling any strike until such a time as it was submitted to the joint conference board. In fact, our rules are that where two organizations get into a dispute they must get together and try to adjust it themselves. In case they can't do that, it is submitted to the grievance committee of the building trades council. If they take exceptions from the ruling of that committee they still have an appeal and can take it into the joint conference board, where the matter is threshed out, and that decision is final and binding on both sides.

Mr. THOMPSON. Now, referring, Mr. O'Donnell, to the unions themselves and industry—building industry is pretty well organized in this city, is it not?

Mr. O'DONNELL. I might say thoroughly.

Mr. THOMPSON. Thoroughly organized? What is the general attitude of the building trade of this city toward permitting union men coming from other cities to work here?

Mr. O'DONNELL. I have always heard Chicago is the most liberal city in the world in reference to accepting any clearance cards and strangers with open arms. In fact, I think we have in the city of Chicago more outsiders employed at the present time than any other country, or, rather, any other city in the country.

Mr. THOMPSON. Well, can a member of any of the building unions coming from other cities go up to the union headquarters here and freely and without restriction get a clearance card and start to work here?

Mr. O'DONNELL. They can deposit their clearance card and get employment wherever they can—seek employment wherever they can.

Mr. THOMPSON. Well, did you hear Mr. Gindele's testimony as to the permit system?

Mr. O'DONNELL. I heard some of his answers to your questions. I want to state that different organizations have, possibly, different systems in reference to permits. There are—sometimes in the plumbers' organization—I am speaking for the plumbers, which I am entirely familiar with; a man may get back in his dues, might leave town for five or six months or a year. You can't very well hand him a clear card, and it is really necessary to use the permit system on him—hand him a permit—and he pays up his back dues according as he goes along. That is the only case where we use permits.

Mr. THOMPSON. Take a case, Mr. O'Donnell——

Mr. O'DONNELL. Or a man can pay on initiation until such time as his initiation is paid up and he becomes a member.

Mr. THOMPSON. Will you say that the permit men are restricted to men who are either back in their dues or who have failed to pay up their initiation?

Mr. O'DONNELL. In our case; yes.

Mr. THOMPSON. In your case?

Mr. O'DONNELL. Yes, sir.

Mr. THOMPSON. As to the other unions, you don't know?

Mr. O'DONNELL. Well, there may be some smaller organizations that there is the demand for certain seasons of the year—there is a demand, possibly, for twice as many men as what they have in their membership, taking into consideration, possibly, the hoisting engineers. Then they would draw from the stationary engineers. Part of their international, I believe. And according as the work drops off, I believe, they drop off the permit men.

Mr. THOMPSON. Then, so far as your organization is concerned, Mr. O'Donnell, if a union plumber belonging to your international in St. Louis was paid

up in his dues and in good standing and he could come here and file his card and start to work right off?

Mr. O'DONNELL. That is all he has got to do. He deposits his card. Then it is up to the city; if he has got a State certificate he can work. Of course, that is up to the local authorities here.

Mr. THOMPSON. Now, Mr. O'Donnell, lately in Chicago there was a brick strike—strike of the brickmakers—was there not?

Mr. O'DONNELL. Yes, sir.

Mr. THOMPSON. In which about 2,700 men were out on a strike?

Mr. O'DONNELL. I believe they claimed about 2,000.

Mr. THOMPSON. What effect did that strike have on the other workers in the building trades in Chicago?

Mr. O'DONNELL. It had an immediate effect.

Mr. THOMPSON. Did it throw them out of work?

Mr. O'DONNELL. Immediately, I might say. Yes; that is, the bricklayers.

Mr. THOMPSON. Was there a great loss in wages to the members of the building trades unions in Chicago because of that brick strike?

Mr. O'DONNELL. Oh, I believe there were about 50,000 or 60,000 men forced on the street for about three or four months.

Mr. THOMPSON. Well, their wages would amount to several hundred thousand dollars a day, would they not?

Mr. O'DONNELL. I never stopped to figure them up.

Mr. THOMPSON. They would amount to a great deal of money?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. What was the settlement of that strike, if you know, in what increase in wages did that strike result to the brickmakers?

Mr. O'DONNELL. They got a very little increase.

Mr. THOMPSON. About a cent an hour, wasn't it?

Mr. O'DONNELL. I believe it was; yes.

Mr. THOMPSON. And did they make or not make concessions to the employers on their side?

Mr. O'DONNELL. Well, they were forced to in a way owing to the fact another organization came in here and was about to take their places.

Mr. THOMPSON. Well, would you say that the final conclusion of that strike was about a stand-off, as to who got any benefit out of it?

Mr. O'DONNELL. I think if they had adjusted it up as they went along with the employers over there, they possibly might have got a better adjustment than what they got afterwards. But there was a reason for that.

Mr. THOMPSON. Well, now, Mr. O'Donnell, from your experience as a leader of labor for many years in building trades, what remedy would you suggest to this commission, or to labor, or to the business world generally, to prevent just such conditions arising wherein the strike of a few hundred men throws many thousands out of work for months at a time?

Mr. O'DONNELL. I would hardly know what to suggest or what to recommend. They were an independent organization that had withdrawn from the international, I believe. The brick manufacturers had an agreement with the international, and I think if they had gone along with the agreement and carried it out to the letter there is a possibility there would have been no strike there. I think they could have adjusted it. I really believe that breaking of contracts, violation of these agreements, are a great deal of the causes of a number of these strikes. If they were carried out, these agreements, I think that would eliminate quite a number of these misunderstandings, disputes, and strikes.

Mr. THOMPSON. Well, do you think——

Mr. O'DONNELL. I believe in agreements.

Mr. THOMPSON. Do you believe that all workers in the industries that affect your particular line should be organized and belong to a central body?

Mr. O'DONNELL. Absolutely so.

Mr. THOMPSON. If that were done you think then this situation could have been prevented which threw your workers and others out of work?

Mr. O'DONNELL. I believe so. We eventually had to get in there and settle it, anyhow.

Mr. THOMPSON. Mr. O'Donnell, it has been said by some, opinion held perhaps generally, that there is a great deal of industrial unrest in this country. Do you believe such exists?

Mr. O'DONNELL. There is around Chicago.

Mr. THOMPSON. Well, in your opinion, what is the cause of it, and what would you suggest to remedy it?

Mr. O'DONNELL. The unrest to my mind is on account of the unemployed that are out of work. A lot of them walking around the streets, they are broke. This kind of weather they need money to buy ice, and I suppose in a few months they will need the dough to get some coal. The man is loafing, out of employment—I think that would be excuse enough for considerable unrest.

Mr. THOMPSON. You have nothing to suggest in the way of changing the situation?

Mr. O'DONNELL. I do not know anything I could suggest would change it. There don't seem to be work here to do at the present time.

Mr. THOMPSON. Referring to the organization of the unions, it has been stated here that the business agent had a great deal of power in the building trades. How are the building trades unions organized? Have the members a vote in electing the officers?

Mr. O'DONNELL. The business agents of the various organizations are elected from their locals, elected by the rank and file, individual membership. They in turn then are sent as delegates to the building trades council, and sometimes they are business agents and sometimes they are not; it is not necessary for them to be business agents to be delegates to the building trades council.

Mr. THOMPSON. Generally in the building trades—in the unions—are the officers of those unions elected by the membership?

Mr. O'DONNELL. All of the business agents that I know of are elected by the membership of the organization they represent.

Mr. THOMPSON. The other officers; how about them?

Mr. O'DONNELL. All officers; yes, sir; from the president down.

Mr. THOMPSON. What is used in your union to get the expression of the membership by ballot? What kind of ballots do you have?

Mr. O'DONNELL. The Australian system?

Mr. THOMPSON. The Australian system?

Mr. O'DONNELL. Yes, sir.

Mr. THOMPSON. Are the members permitted to go freely to the booths and register their votes without suggestion or dictation of any group?

Mr. O'DONNELL. Yes; it is a secret ballot.

Mr. THOMPSON. A secret ballot?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. How are the ballots counted—by whom?

Mr. O'DONNELL. Judges and clerks.

Mr. THOMPSON. Who elects these judges and clerks?

Mr. O'DONNELL. In our organization they are appointed by the chair.

Mr. THOMPSON. By the chair?

Mr. O'DONNELL. Yes.

Mr. THOMPSON. Do you think, Mr. O'Donnell, that is calculated to bring out the best result from the election, or do you think——

Mr. O'DONNELL. I believe so.

Mr. THOMPSON. Or do you think that could be improved if the judges and clerks were elected by the rank and file of the union the same way that the officers are?

Mr. O'DONNELL. In my opinion you would have the election all over. Suppose you elected the judges by the rank and file; the chairman must necessarily appoint the judges and clerks to count the ballots of the election and the judges and clerks to be elected to count the ballot; you are going to go over this twice in my mind. Do you understand what I mean? Suppose you say the judges and clerks are elected by the rank and file; who is going to count those ballots? Necessarily they must be appointed by the chair—the judges and clerks to count your ballots.

Mr. THOMPSON. You ask me? I say necessarily they should be elected in the same manner.

Mr. O'DONNELL. How is that?

Mr. THOMPSON. They could be elected in the same manner.

Mr. O'DONNELL. Yes; but to my mind you would be going over the same ground twice.

Mr. THOMPSON. I do not see it, but it is all right. Do you believe that the——

Commissioner O'CONNELL. They would have to be if you went back. There must be some beginning.

Mr. THOMPSON. The body of the membership could do the same thing then. But that does not make any difference. We will let that go.

Commissioner O'CONNELL. I will argue that out with you at lunch.

Mr. THOMPSON. We can argue that out later. Do you believe in a law that may be passed in the State to protect the purity of the ballot? You do, do you not, Mr. O'Donnell? You believe in the Australian ballot and the primary systems? Anything which would give protection to the will of the citizens?

Mr. O'DONNELL. Yes; certainly.

Mr. THOMPSON. And you believe those same things should be carried out in the trade-unions, do you not?

Mr. O'DONNELL. Certainly, carried out in the trade-unions.

Mr. THOMPSON. Yes.

Mr. O'DONNELL. Yes; I believe trade-unions and organizations should decide that for themselves.

Mr. THOMPSON. Generally, in the building trade, do you believe that the membership are protected in that right?

Mr. O'DONNELL. I never knew of a case where they were not.

Mr. THOMPSON. That is all, Mr. Chairman.

Mr. THOMPSON. Who sets the rods in the reinforced concrete work in Chicago?

Mr. O'DONNELL. The building laborers at the present time.

Mr. THOMPSON. Who was awarded that work by the building trades council of the American Federation of Labor?

Mr. O'DONNELL. I believe at a convention the work was awarded to the structural ironworkers at Tampico, Fla., on a convention called there. I believe on a vote they awarded that portion of the work to the structural-iron workers.

Mr. THOMPSON. But in Chicago that has not been effective?

Mr. O'DONNELL. You could say that for quite a number of other cities besides Chicago. Labor has been doing that work ever since its inception here.

Mr. THOMPSON. Who do you think ought to have the jurisdiction of that work?

Mr. O'DONNELL. That is like other work, at its inception they used to throw that iron in in long strips. In other words, they would just lay it right in there. Afterwards they started to tie it in. Now, they cut it and have holes in the steel beams, and it is inserted through those holes and sometimes nuts and lock bolts put on and tied on that way. To my mind the present way of putting it in, it should be the work of the structural ironworkers. At the time they started out the iron the way it was laid in was really laborers' work. It was carried up and laid down. Since they are using tools and so on to place it in position to tie it in. I think it is the mechanic's, and so expressed myself.

Chairman WALSH. I understand, of course, you are a strong believer in collective bargaining and industries generally dealing with unions. That is correct, is it not?

Mr. O'DONNELL. I don't hardly catch you.

Chairman WALSH. You are a strong believer in collective bargaining, are you not; that is, in the employers or industries dealing with the unions rather than the individual?

Mr. O'DONNELL. Yes; I believe in that.

Chairman WALSH. Now, there were certain objections that we find voiced on the part of the employers at different places to their dealing with unions. Questions have been asked some of the other witnesses, and I am going to ask them seriatim of you. It has been charged by employers in many places that there is graft in labor unions, or dishonesty, and therefore they do not desire to deal with them, or think they are proper organizations so far as industries are concerned. What have you to say to that as a person who deals with the matter directly?

Mr. O'DONNELL. The charge has been made that they don't care to deal with the individual membership or individual representatives on account of graft? I don't know what I could say on it.

Chairman WALSH. Does it or does it not exist?

Mr. O'DONNELL. It may in some cases.

Chairman WALSH. Have the unions done anything in the attempt to eliminate it?

Mr. O'DONNELL. Yes; they have from time to time whenever it was discovered.

Chairman WALSH. What in a general way have they done?

Mr. O'DONNELL. Here and there sometimes put their officers out of office.

Chairman WALSH. Has that occurred in Chicago?

Mr. O'DONNELL. Well, in a number of instances they have been partly dropped. I could not name any specific case, but I have my suspicions.

Chairman WALSH. And it has also been charged it is not desirable to deal with unions because they resort to violence during strikes. What have you to say as to that?

Mr. O'DONNELL. As I said before, I represent labor organizations around here about 14 years, and I never knew any time there was any occasion for violence or anything along that line. I did not see the necessity of resorting to it.

Chairman WALSH. Do you say there is or is not violence in the prosecution of strikes in this city?

Mr. O'DONNELL. Not to my knowledge.

Chairman WALSH. You have no knowledge of any such occurrence?

Mr. O'DONNELL. No, sir.

Chairman WALSH. It is claimed that the unions are not an economic body to deal with for the reason that they limit output. What have you to say as to that?

Mr. O'DONNELL. That is not so.

Chairman WALSH. You deny that they limit output?

Mr. O'DONNELL. I absolutely deny it, because there are sections in most of our agreements with the building trades organizations that cover that. There shall be no limitation to the day's work.

Chairman WALSH. Is that all you care to say about that?

Mr. O'DONNELL. I believe that all that is necessary.

Chairman WALSH. I didn't catch your answer.

Mr. O'DONNELL. I can't see but what that is all that is necessary. We have signed agreements to the effect there shall be no limitation to the amount of the day's work.

Chairman WALSH. It is also charged it is undesirable to deal with unions because they habitually break agreements after they enter into them. What have you to say as to that complaint?

Mr. O'DONNELL. Not any more so than contractors. Here and there we will find contractors who will violate agreements just as much as we do of the employees' side of it.

Chairman WALSH. It has been claimed that the unions are disloyal to the Government in that they forbid their members to enlist in the National Guard. Is that correct or not, that complaint?

Mr. O'DONNELL. I never knew any section that prohibited men from enlisting.

Chairman WALSH. Is there any union in the city of Chicago that forbids its membership enlisting in the National Guard?

Mr. O'DONNELL. Not that I know of.

Chairman WALSH. It has been charged that it is undesirable to deal with unions because innocent employers can not protect themselves against jurisdictional disputes between the unions. What do you have to say as to that?

Mr. O'DONNELL. Innocent employers?

Chairman WALSH. That is, employers that are not directly concerned in the particular dispute can not protect themselves in jurisdictional disputes. What would you have to say as to that?

Mr. O'DONNELL. They have the same protection that every contractor has that I know of. There is a recourse there for them, they can take it up with the construction employers' association, with which we have an agreement with reference to jurisdictional disputes. They have the same right.

Chairman WALSH. Is that all you care to say?

Mr. O'DONNELL. I suppose that possibly the innocent employer is taken advantage of, but——

Chairman WALSH. By jurisdictional disputes causing loss in matters he does not control himself and is not at fault in any way.

Mr. O'DONNELL. What do you mean by "innnocent employers"? They would be employers that do not belong to the organization that had an agreement with us; that is what I would infer.

Chairman WALSH. What I mean by that is, an employer who is willing to deal with any union and desires to have his work done, but two unions get into dispute as to which should do that particular class of work, and that

while he is still willing to deal with any union that can do the work for him he is not permitted to pursue the work because the union is having the trouble over the jurisdiction of that particular work.

Mr. O'DONNELL. I was going to say, with reference to that, that in some cases employers have come in with complaints to the effect that they were not familiar with the jurisdictional agreement as laid down by our organization, and in quite a number of cases they would employ laborers to do a mechanic's work, and their claim of course would be they were innocent employers; that they didn't know because possibly of the fact that they didn't belong to the central organization which has the agreement with us. Of course that would be the usual claim anyhow. That was their subterfuge, that they didn't know. But you will always find, where jurisdictional disputes or strikes are called, it is where a contractor is attempting or is using a certain trade or a certain labor to do a certain class of work and he only has to pay about half as much to have done.

Chairman WALSH. Do I understand you, then, to say that in your experience you are unaware of any jurisdictional dispute having arisen in which some employer was not to blame?

Mr. O'DONNELL. Not in all cases. Sometimes I have seen cases where the journeymen's side of it were to blame, sometimes.

Chairman WALSH. It has been charged that it is undesirable to deal with unions because when they become very strong as to members they dictate harsh and unreasonable terms to employers. What has been your experience with reference to that?

Mr. O'DONNELL. Well, right there would be a violation of the agreement, because when signing up these agreements there has always been a section in it to my knowledge that covers the thing, that no legislation, no motion, or anything can be adopted that would conflict with the agreement, and in that way the employer is protected, and if they do that, why there is a violation of the agreement right there.

Chairman WALSH. What is meant by that, I will illustrate, is that in case of a hundred per cent union in a trade, is it possible for the union to dictate harsh terms to the employer before the agreement is made—compel by force of its power the employer to make agreements that he otherwise would not make?

Mr. O'DONNELL. Now——

Chairman WALSH. Do I make that clear to you, Mr. O'Donnell?

Mr. O'DONNELL. Yes; owing to the power that he has through having a corner, as it were, in having a hundred per cent organization, he would exact terms and certain conditions he would not otherwise. I would not say that it has always been as harsh as that, but there may be cases where they would run away with their power sometimes. But they are very often brought up with a short halt.

Chairman WALSH. They are often brought up how?

Mr. O'DONNELL. Brought up with a short halt; call in members of other organizations and listen to both sides when they can't get together, and very often it is matters like that which are adjusted where they get into a jam and can't get together on agreements. I believe we have adjusted possibly five or six since this board has been organized, similar cases, where one side or the other wanted to exact certain terms that really, possibly they were not entitled to. But they were called in there before this board, or a subcommittee of this board, and we got them together, and they always went along and signed up.

Chairman WALSH. It has been charged frequently that it is undesirable to do business with unions because they are financially irresponsible as a whole, and almost without exception employers have suggested that they should be organized into corporations. What have you to say as to that, if anything, Mr. O'Donnell?

Mr. O'DONNELL. Well, I never had that—I never—in doing business, I never heard any employer, contractor, or any of them fellows say that they objected to doing business with the building trades council, or with our organization. I never had them try to suggest anything along them lines to me personally.

Chairman WALSH. Do you believe that unions should be incorporated? Have you given it any thought?

Mr. O'DONNELL. I never give it a thought. I am pretty busy looking after local affairs around here and it keeps me on the jump.

Chairman WALSH. And you have nothing to say as to that?

Mr. O'DONNELL. No; I haven't.

Chairman WALSH. That is all. Any other question? That is all, thank you, Mr. O'Donnell.

Mr. THOMPSON. Just one more question, Mr. Chairman, I would like to ask Mr. O'Donnell.

Chairman WALSH. Mr. Lennon would like to ask a question.

Mr. THOMPSON. Yes.

Commissioner LENNON. Mr. O'Donnell, have there been any strikes in Chicago over jurisdictional matters between the steamfitters and the plumbers since they were consolidated in one organization?

Mr. O'DONNELL. No; not one.

Commissioner LENNON. Have there been any strikes in other parts of the country, so far as you know, in that trade over jurisdictional matters since the consolidation took place?

Mr. O'DONNELL. I haven't heard of any.

Commissioner LENNON. Well, isn't that an evidence that if these questions can be settled nationally that it will settle them for the entire country?

Mr. O'DONNELL. I believe so; in most cases it could be.

Commissioner LENNON. Now, I want to ask you a few questions regarding the powers of business agents. It is charged that business agents do nearly everything under the sun that they should not do and very little that they ought to do. You know that very well, the same as I.

Mr. O'DONNELL. I know.

Commissioner LENNON. How do the business agents get their power to call men on strike? Where does there power originate?

Mr. O'DONNELL. From the locals they represent. The business agent in our case—he handles the business of that organization between meetings the same as anyone would handle the business of any corporation. He is responsible and looks after their interests and is endowed with the power of calling strikes or——

Commissioner LENNON. Well, does the union at some time or another take action which gives the power to the business agent to do those things?

Mr. O'DONNELL. Well, I never knew of a case where the business agent did not have the power to call a strike, and I suppose the organization that he represents must give him that power.

Commissioner LENNON. What I want to get at is—I can't suggest it, because that is right——

Mr. O'DONNELL (interrupting). In the calling of a general strike——

Commissioner LENNON (interrupting). Do the unions at any time take a vote, or does the building trades council at any time take a vote as to the cooperation of unions with each other, and the extension of power to the business agents to make that cooperation effective?

Mr. O'DONNELL. Oh, yes; the business agent, if he has a grievance on a job, takes it before the building trades council meeting and asks—requests of the rest of the boards to assist him in straightening out the difficulty. He also wants to hold the committee on so in case he can not get it straightened out he can stop the men until such time as it is straightened out.

Commissioner LENNON. In other words, the power originates with the membership?

Mr. O'DONNELL. Yes, sir.

Commissioner LENNON. And is not sprung into existence by the business agent himself?

Mr. O'DONNELL. Oh no; he gets it right from the membership.

Mr. THOMPSON. I would like you to state, Mr. O'Donnell, whether any graft was involved in the strike——

Mr. O'DONNELL (interrupting). If there was I didn't get any of it; I didn't know anything about it.

Mr. THOMPSON. That is all.

Mr. O'DONNELL. I will say I am as much responsible as anybody for the adjustment and settlement of that strike, and I didn't see anything about that.

Commissioner LENNON. Call your next witness.

Mr. THOMPSON. Mr. Craig.

TESTIMONY OF MR. E. M. CRAIG.

Mr. THOMPSON. Will you give your name?

Mr. CRAIG. E. M. Craig.

Mr. THOMPSON. And your business address?

Mr. CRAIG. 133 West Washington Street.

Mr. THOMPSON. And your business?

Mr. CRAIG. I am secretary of the building construction and employers' association.

Mr. THOMPSON. What is the scope, character, and aim of that association?

Mr. CRAIG. Primarily to maintain peace and harmony in the building industry in Chicago, to promote the welfare of its members, and do all those things in lawful manner and not contrary to the laws of the country.

Mr. THOMSON. What membership has it?

Mr. CRAIG. Its membership is possibly about 1,100 at the present time.

Mr. THOMPSON. That is the organization Mr. Gindele spoke of?

Mr. CRAIG. That is the total membership comprised of individual trade organizations.

Mr. THOMPSON. Have you anything to add to what Mr. Gindele said with reference to the arbitration agreement that you have with the building trades-union?

Mr. CRAIG. No; I do not know as I could cite anything more to what he said except it has been working very satisfactorily since it has been in operation, it has been giving good results, meeting the approval of the contracting community and the architects and the owners community of the council, and in fact since the arbitration board has been in existence or the joint conference committee has been in existence we have had peace and harmony in the building industry, practically a reversal of conditions in one, where we were bothered with strikes, sympathetic and jurisdictional; since the joint conference committee has been in session there has been little or no striking in the city of Chicago since that time. I do not think that you could recall to-day over one or two strikes in the entire building industry in Chicago. Those are over just trivial matters.

Mr. THOMPSON. Referring to the jurisdictional strikes, which you had before you had this arbitration agreement, have you kept any track of their number, their extent, and their cost to the community as a whole, including labor?

Mr. CRAIG. Oh, I have a record of them, but I have never compiled it.

Mr. THOMPSON. Well, was it a serious trouble?

Mr. CRAIG. How is that?

Mr. THOMPSON. Was it a serious trouble?

Mr. CRAIG. I thought you referred to the number. I say I have a record of all the jurisdictional disputes and strikes that came up in the last number of years, but I have never compiled them to find out just how many there were and to what extent they caused a loss to the contractors or the owners or how many men were involved.

Mr. THOMPSON. What I ask you now is, was it a serious or a grave trouble?

Mr. CRAIG. In some instances; yes, sir.

Mr. THOMPSON. I mean to the industry as a whole?

Mr. CRAIG. To the industry as a whole; yes, sir.

Mr. THOMPSON. In addition to the loss of money in wages and otherwise, did they occasion and cause violence?

Mr. CRAIG. Not to my knowledge; no. No violence.

Mr. THOMPSON. Not to your knowledge?

Mr. CRAIG. Not in my time.

Mr. THOMPSON. Then you would have the commission understand that in the jurisdictional strikes that occurred in Chicago prior to your agreement no violence was connected with it?

Mr. CRAIG. Not to my knowledge.

Mr. THOMPSON. Not to your knowledge.

Mr. CRAIG. No, sir.

Mr. THOMPSON. When you say "not to your knowledge," what do you mean by that?

Mr. CRAIG. I mean there were rumors and newspaper talks of violence in several instances on jobs, but those particular jobs I am referring to were not brought to my attention. Prior to 1911, when this organization was organized, our organization then consisted of a small organization, and it was not possibly given the support by the employers that it should have been given; consequently a large number of these troubles that would come up were never brought to our attention. But since the organization of the building construction employers' association in 1911 practically everything of that nature has been brought to our office.

Mr. THOMPSON. So you did not have much contact with those things prior to that time?

Mr. CRAIG. Considerable contact, but not any particular instances.

Mr. THOMPSON. Do you believe in the existence of strong employers' associations?

Mr. CRAIG. Yes, sir.

Mr. THOMPSON. Do they lead to peace in your opinion?

Mr. CRAIG. Yes, sir.

Mr. THOMPSON. Do you believe both sides should be strongly organized?

Mr. CRAIG. I do, sir.

Mr. THOMPSON. What advantage is there, in your opinion, to the preservation of peace?

Mr. CRAIG. When they are both organized, it promotes peace and harmony between them because they can generally get together and settle their difficulties, such as we have, in my mind. I do not believe there is any kind of a dispute that can not be settled when the parties get together and discuss the matter.

Mr. THOMPSON. From what you say, I take it you believe in collective bargaining?

Mr. CRAIG. I do, sir.

Mr. THOMPSON. That is, agreement between organized workmen and employers or organized employers?

Mr. CRAIG. Yes, sir.

Mr. THOMPSON. In your opinion is that the best method of dealing with the labor problem?

Mr. CRAIG. In my opinion, yes, sir; the best method and the most satisfactory method to both employer and employee.

Mr. THOMPSON. What else have you to specifically say in regard to that, if anything? What would you say with reference to the question of arbitration? Have you any methods or plans or schemes of arbitration you think are better than others?

Mr. CRAIG. You mean referring locally?

Mr. THOMPSON. Well, generally, in your study of the labor problem.

Mr. CRAIG. I have not found any other scheme that would be more satisfactory than the one we have. I have always taken the position that there is nothing that could not be arbitrated satisfactorily if you could only get the two parties together. That has been the rule with our organization where an organization had a jurisdictional dispute and it could not be settled between themselves it was to be brought into our organization and placed before the joint conference committee, and we invariably, without any single exception, have adjusted every jurisdictional dispute that has been brought to our attention since we have been organized. Our arbitration committee, as Mr. Gindele stated, the employers and employees, represent the combined organization of employers and employees, and we haven't got anybody except the Chicago Masons Builders' Association in this city outside the employers' association to-day. But on the other side the building-trades council have all their representatives and employees' unions in the organization. So it is very easy for us, if we can come to a decision, to force that decision upon our respective members of our organization.

Mr. THOMPSON. Referring to the permit system, which has been mentioned here to-day, you heard the testimony of Mr. Gindele and heard the testimony of Mr. O'Donnell. What have you to say in reference thereto or add to their testimony?

Mr. CRAIG. In one or two cases Mr. Gindele referred to, and in one one or two trades that is not general. In one or two trades there is a rule of that kind in which the membership of the organization practically limits in busy times the employer if he wants to help a permit man—in some cases I understand the permit men in busy times outnumber the actual membership in the union. And as Mr. Gindele also stated that these permit men, no matter how good a mechanic he may be, was compelled to quit his job upon the demand of a regular member of the union who happened to be out of work, notwithstanding the fact that he might be giving his employer good service and well liked and perfectly competent to that work.

Mr. THOMPSON. To what extent is that system used, have you anything to say in addition to what Mr. Gindele said?

Mr. CRAIG. Not to any great extent. It is confined to one or two organizations, and I am under the opinion now that in the next three of four months

that that abuse will probably be eliminated in the making of agreements with those organizations.

Mr. THOMPSON. Referring now to what you said a few minutes ago about having strong organizations on both sides, I would like to ask you this question: What effect upon the public would a strong organization of employees and employers have as to cost of work, buildings, rents, and so forth?

Mr. CRAIG. Referring to the building public of Chicago, the building public of Chicago thoroughly indorsed our organization, and ultimately it must be to their profit to have an organization of this character that would produce a satisfactory result and enable the owner to erect a building without its being stopped in the course of its construction. In larger building operations in this city, particularly these large skyscrapers, that has been the trouble in the past seven or eight years, that they were interfered with so much in their construction that they not only disorganized the forces of the contractor and sent a loss on him, but that the owners had contemplated making leases at a certain date and were unable to do so because of the fact that they could not complete the building. Through the medium of this joint arbitration board or joint conference committee which we have instituted here to-day, it is possible here now for an owner to start a building and complete it on schedule time.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions from the commission?

Commissioner DELANO. I want to ask a question.

Chairman WALSH. Mr. Delano would like to ask you a question.

Commissioner DELANO. Do you have any trouble in this even-numbered board of 12 men, a deadlock of a vote of 6 to 6 on any question?

Mr. CRAIG. No; we haven't had a single case come up to us as yet where we—with but one exception where the vote has not been unanimous in giving its decision.

Commissioner DELANO. Where the vote was not unanimous?

Mr. CRAIG. Where the vote was not unanimous; only one exception it was thoroughly thrashed out.

Commissioner DELANO. Do you have any provision at all for an umpire?

Mr. CRAIG. Not in this joint conference committee as yet. Understand, this joint conference committee is practically only in a tentative shape at the present time. We haven't actually completed the formation of the board, but it has been going along so nicely that we are perfectly satisfied with the condition of it as it is.

Chairman WALSH. Any other question? That is all. Thank you, Mr. Craig.

Mr. CRAIG. Thank you.

Mr. THOMPSON. Mr. Metz.

TESTIMONY OF MR. JOHN A. METZ.

Mr. THOMPSON. Mr. Metz, will you give us your full name?

Mr. METZ. John A. Metz.

Mr. THOMPSON. And your address?

Mr. METZ. 73 West Randolph Street.

Mr. THOMPSON. What is your business?

Mr. METZ. I am representing the carpenters, as the president of the organized carpenters.

Mr. THOMPSON. I don't get you.

Mr. METZ. I represent the organized carpenters, as their president.

Mr. THOMPSON. As their president?

Mr. METZ. Yes, sir.

Mr. THOMPSON. How long have you been president of the organized carpenters?

Mr. METZ. About 10 years.

Mr. THOMPSON. How long?

Mr. METZ. About 10 years.

Mr. THOMPSON. You will have to speak a little louder, Mr. Metz.

Mr. METZ. About 10 years.

Mr. THOMPSON. About 10 years. In Chicago have you a system of an apprenticeship and compulsory education?

Mr. METZ. Yes, sir.

Mr. THOMPSON. In the carpenters' union?

Mr. METZ. Yes, sir.

Mr. THOMPSON. Will you state briefly the scheme that you have?

Mr. METZ. I would prefer to read it, if it would not be too long.

Mr. THOMPSON. You may read it, if you have it ready.

Mr. METZ. Excuse me until I get my glasses [reading]:

"Each responsible party to this agreement shall have the right to teach his trade to apprentices, and such apprentices shall serve four years, as prescribed in the apprentice rules as agreed upon by the joint arbitration board, and shall be subject to the control of said arbitration board.

"SEC. 2. Apprentices shall be under the jurisdiction of the joint arbitration board, which has the authority to control them and protect their interests, subject to approved indentures entered into with their employers and the rules adopted by the joint board. The applicant for apprenticeship shall not be more than 17 years of age at the time of making application, except under conditions satisfactory to the two presidents. Applicants more than 17 years old must bring satisfactory proof of having worked at the trade. The contractor taking an apprentice shall engage to keep him at work in the trade for nine consecutive months in each year and see that during the remaining three months of the year the apprentice attends school, during January, February, and March, and a certificate of attendance from the principal of the school attended must be furnished to the joint arbitration board as the compliance with this requirement before he is allowed to work during the coming year. A contractor taking an apprentice shall keep him steadily at work or school. Failing to do so, he shall pay him as though he had worked for him. In case of an apprentice at the end of his term of four years has not received the proper instruction and is not a proficient workman, and if after a thorough investigation the joint arbitration board finds that the contractor to whom he was apprenticed did not give him proper instruction and opportunity to learn his trade, he may be required to serve another year with whom he and the joint arbitration board may determine, and at a rate of wages less than the minimum in his trade. The difference between said rate and the minimum wage in his trade shall be paid him, through the arbitration board, by the contractor to whom he was apprenticed. A contractor entitled to an apprentice may take one on trial for two weeks, provided that applicant holds a permit from the joint arbitration board, and if after said trial conditions are satisfactory to both parties, they will be required to sign indentures agreeable to the joint arbitration board. If not satisfactory, the contractor is not bound to indenture him, but he will be required to pay the boy $6 per week for the two weeks. No boy will be allowed a trial with more than two contractors, or a contractor with more than two boys consecutively. The rate of wages of an apprentice at the date of indenture shall be in no case less than $364 for the first year, $442 for the second, $520 for the third, and $676 for the fourth, payable in lawful money of the United States, and shall be payable in 52 weekly installments at the following rate per week: $7 for the first year, $8.50 for the second year, $10 for the third year, and $13 for the fourth year. The issuing of permits for an apprentice to work for another contractor than the one he is indentured to shall be left to the joint arbitration board. The contractor shall not have more than two apprentices at any one time. Contractors shall be allowed apprentices on the following basis: Yearly average of 4 journeymen, 1 apprentice; yearly average of 10 journeymen, 2 apprentices. The apprentice upon completing his indenture shall report to the joint arbitration board and shall, after furnishing said board with satisfactory proof of his competence as a skilled mechanic in his trade, receive a certificate approved by the board, which shall entitle him to a journeyman's working card.

"And it is further agreed by and between the parties hereto that power shall be vested in the joint arbitration board to enforce the spirit as well as the letter of this agreement."

Well, that does not apply to that, Mr. Chairman.

Mr. THOMPSON. What is the general attitude of the journeyman and contractors toward your plan?

Mr. METZ. Very friendly.

Mr. THOMPSON. Mr. Metz, as head of your organization I presume you have made more or less of a study or given more or less thought to the industrial unrest which exists in the country, or is said to exist.

Mr. METZ. I must confess I have confined myself and have been so situated that my time is occupied largely at home—little time for reading.

Mr. THOMPSON. Referring to the carpenter's situation in Chicago, what is the average length of work per year that the man has in your industry under normal conditions?

Mr. METZ. We have no means—we are now trying to perfect a plan to ascertain that, but I would judge about eight months in the year.

Mr. THOMPSON. Eight months of the year?

Mr. METZ. Yes, sir.

Mr. THOMPSON. Have you got anything to say to this commission on the matter of conciliation and arbitration?

Mr. METZ. I firmly believe in both.

Mr. THOMPSON. You know of this plan now in existence, of course?

Mr. METZ. Yes; somewhat.

Mr. THOMPSON. Is that satisfactory to your organization?

Mr. METZ. Yes; I believe so.

Mr. THOMPSON. At least it represents what you think is the best scheme?

Mr. METZ. I think it is in the right direction.

Mr. THOMPSON. Referring to your educational system and apprenticeship scheme, what character of workman has that resulted in creating?

Mr. METZ. In a very good class of mechanic. Mr. Chairman, I might say in this country men of my age, born in this country in the carpenter line, there were very few of them bound to contractors and served apprenticeships. The carpenters that worked in this city for a great many years until about 10 or 12 years ago when the carpenters became thoroughly organized, we formed this joint agreement that provided for the apprentices. I believe they are eminently satisfied with it; I know we are. The large mass of carpenters, I will say, throughout the country are—not speaking of foreign carpenters that come in from some other country—it must be admitted that to some extent they were picked-up tradesmen and we have to supplant the men that have passed away in this method we are adopting. We believe we are successfully doing it.

Mr. THOMPSON. That you are creating more of a craft of your business than it was theretofore?

Mr. METZ. Yes, sir.

Mr. THOMPSON. Anything else you would like to say in regard to that matter?

Mr. METZ. No, sir.

Mr. THOMPSON. That is all.

Chairman WALSH. Anything else? Mr. Lennon would like to ask you some questions.

Commissioner LENNON. During the period of compulsory school attendance what are these apprentices taught—the ordinary curriculum of the school or something pertaining to the trade as well?

Mr. METZ. I have a list here—there are about nine different subjects that are taken up—in fact, not full subjects. Mechanical drawing, estimating, plan reading, history, lectures on civics, and such other matters as pertain to the trade.

Commissioner LENNON. The scheme is to develop mechanics and develop good citizens?

Mr. METZ. Yes, sir.

Commissioner LENNON. The boys turned out are young mechanics turned out; are they making good both as men and as mechanics?

Mr. METZ. I believe I could safely say that 98 per cent of the 800 boys that have been turned out under this system would stand up most anywhere. Some are taking the affairs of their fathers over, some are in partners with others, some are in architects' offices, some are superintendents, and some are regular journeymen—the majority are.

Commissioner LENNON. So that the result of this education, in connection with the practical experience in the trade, is developing the right kind of men?

Mr. METZ. We believe so.

Commissioner LENNON. That is all.

Chairman WALSH. Any other question? That is all. Call your next.

Mr. THOMPSON. Mr. Mullenbach.

TESTIMONY OF MR. JAMES MULLENBACH.

Mr. THOMPSON. Will you give us your name?

Mr. MULLENBACH. James Mullenbach.

Mr. THOMPSON. And your address?

Mr. MULLENBACH. Oak Forest, Ill.

Mr. THOMPSON. And your present occupation?

Mr. MULLENBACH. Superintendent of Oak Forest Institution.

Mr. THOMPSON. How long have you been there?

Mr. MULLENBACH. Since last September.

Mr. THOMPSON. What were you doing prior to that time?

Mr. MULLENBACH. I was secretary of the Illinois Committee on Social Legislation. I had been five years superintendent of the municipal lodging house. I had been two years chairman of the trade board of the Hart, Schaffner & Marx firm and their employees.

Mr. THOMPSON. Were you connected with the organized charities of this city, too?

Mr. MULLENBACH. I was three years assistant superintendent of the United Charities of Chicago.

Mr. THOMPSON. In the course of your work have you had occasion to study the industrial situation?

Mr. MULLENBACH. Yes, it has come to my attention in several ways.

Mr. THOMPSON. And the condition of the working people?

Mr. MULLENBACH. Yes, sir.

Mr. THOMPSON., Have you any opinion as to whether or not a state of industrial unrest exists?

Mr. MULLENBACH. Yes, I think there is a definite unrest among what we might call the unorganized workers, the immediate causes of which are low wages, long hours, bad conditions in the shops, and arbitrary treatment. I think some of those conditions run over into the organized trades. Among the organized trades, I think it is chiefly due to the rising standard of living here in America and the position of the unions to maintain an American standard of living. In fact it was pointed out yesterday that wages do not overtake prices.

Mr. THOMPSON. What remedy would you suggest for this condition?

Mr. MULLENBACH. Well, for the present day under the present state of the industry for the workers in my mind there is no help for him except as he organizes and expresses his desire and will through a definite collective action. I think he has to sacrifice his individual liberty as a man, as a worker, and pool his general interest with the others in order to secure a reasonable amount of liberty under our present industrial system.

Mr. THOMPSON. What practical thing, Mr. Mullenbach, could you suggest to this commission that it could do or recommend to Congress?

Mr. MULLENBACH. The only experience I have directly had with labor unions has been in connection with the trade board of which I am chairman. Some information—a great deal of information has no doubt been given to the commission, and it is not necessary for me to review it except to express my personal judgment of how it works. This trade board of which I happen to be chairman is made up of five members of the Union of United Garment Workers of America, represented by their joint board and five members representing the firm, chiefly shop foremen and superintendents. Before that board come all disputes not able to be settled by representatives of the firm and representatives of the people who are known as chief deputies and assistant deputies. There is a trade board, to use a legal term, although I am not a lawyer, is a court of original jurisdiction in all disputes that they may not be able to settle between the workers and the firm. These disputes are brought before us and evidence given, and a decision given by this board. It has worked now I think quite successfully for over two years. I have statistics here to show the effect of it if you care to read them into the record.

Mr. THOMPSON. I don't think that now we care for the statistics in that regard. I want to get at your opinion more generally as to the unrest.

Chairman WALSH. Might I get that while you are asking them and won't they be put in the record in connection with his testimony later?

Mr. THOMPSON. It was not my intention.

Mr. MULLENBACH. They were published in an article about a year ago. It was the first year's work of the organization. It appears on page 174 of this journal.

Mr. THOMPSON. I think, as a matter of fact, we have those in Washington at the time we had our hearing on collective bargaining there.

Chairman WALSH. I wasn't present.

Mr. THOMPSON. Referring to the general question, of course, while this commission could say that its opinion was that organization would help the condition of the unorganized worker, of course there is nothing Congress could do or the commission could do to compel them to organize. What constructive

thing in your opinion could this commission do to ameliorate the condition of unrest?

Mr. MULLENBACH. I don't know, Mr. Counselor, just what the authority is of the commission. It seems to me, speaking as a citizen, that the way in which this commission could help the people of the United States would be by collecting definite information as to the various methods that have been used, or have grown up out of previous labor struggles and had been found to work in some definite way for the amelioration of conditions and for the promotion of the welfare of the workers and employers, and consequently of the general public. That may be too general a reply.

Mr. THOMPSON. That is all right.

Mr. MULLENBACH. I don't know that I can make it more definite.

Mr. THOMPSON. From your experience in adjusting labor disputes as chairman of this board, do you believe a national industrial commission with power to investigate facts in time of peace in industries and also in time of conflict, and with power to mediate and conciliate and arbitrate if called upon, do you think that would be an addition?

Mr. MULLENBACH. I think it would. I think, speaking as a private citizen, that whenever a great industrial struggle takes place—a strike, for instance, in Calumet, Mich., or Colorado, that what the public feels is a general confusion of thought regarding—information as to what is actually taking place and that there is now no definite tribunal or power authorized to go out and collect the facts and give them to the public from a perfectly impartial, independent, and unprejudiced basis. In other words, such a body, it seems to me, would shed a great deal of light where in one part of our country there was a great deal of heat.

Mr. THOMPSON. You believe in the principle of conciliation and arbitration, I take it?

Mr. MULLENBACH. Yes; I believe that, that a large part of our labor trouble could be saved where you can get a strong union on one side and a strong organization of employers on the other who will have the good will and confidence in the purpose of each. I believe that out of that would come an organization of disinterested intelligent, courageous tribunal that would be able to settle disputes between both parties fairly and amicably.

Mr. THOMPSON. What plan or method of arbitration do you think is best suited to settle disputes?

Mr. MULLENBACH. I think that continuous—if I may use the word "continuous"—arbitration is to be used as against isolated arbitration, for the reason that it would permit the impartial members of your board of arbitration, or court, whatever you choose to call it, to establish a regard for confidence for sure-footed judgment, for impartial apportionment of judgments and awards that would run over the months and the years, and would act not only as a court, not only rendering decisions, but in finding out wherein the interests of each party lay and then pulling them together, so that this board of arbitration is not strictly a court, as it were, hearing evidence upon which they might also base their judgment.

Mr. THOMPSON. What is the objection to this sporadic and incidental arbitration?

Mr. MULLENBACH. It seems to me that the difficulty lies in the fact that in most arbitrations one or the other party has to suffer in the adjudication of the case, and that the party that does suffer feels that there is nothing, after all, to arbitration. It simply goes to create an additional belief, an additional burden upon the ugly feeling that may exist between employees—one group of employers and a group of employees.

Mr. THOMPSON. And that, then, you think, is allowed by continuous arbitration?

Mr. MULLENBACH. Yes.

Mr. THOMPSON. People can get acquainted with the arbitrator?

Mr. MULLENBACH. People can get acquainted with the arbitrator and know his habit of thought and his ways of arriving at his judgment, his general attitude and purpose.

Mr. THOMPSON. Is there anything further you would like to say with reference to the subject of collective bargaining, which you would like to say now?

Mr. MULLENBACH. Except I believe in collective bargaining; that the employer who goes into collective bargaining ought to find opposite him a strong union, well laid. The employer will hardly accept collective bargaining as a principle in his business unless he is forced by a strong union to do so.

I do not believe he ought to be unless there is a strong union, because that union with which the collective bargaining is made ought to share the responsibility of the conduct of the business and the kind of leadership and its power is a thing with which he is vitally interested. In other words, if there is collective bargaining, the employer should be just as much interested in building up a strong, well-laid labor union as any of the labor men themselves.

Mr. THOMPSON. What do you believe should be the responsibility of labor in collective bargaining when made?

Mr. MULLENBACH. The responsibility of labor in collective bargaining is to see to it that they have capable, conscientious, as far as possible, disinterested leadership. This is largely in judgment against the personality——

Mr. THOMPSON. Have you any special ideas to suggest as to what form the responsibility of the labor union should take?

Mr. MULLENBACH. I think the elections in the labor union ought to be perfectly free. I am not sure I care to advise a method, but just simply the principle of it, that they ought to be free elections, so that there will be a full adequate expression of the individual members' judgment as to the leaders of the union.

Mr. THOMPSON. Do you believe, or have you any opinion as to whether or not the incorporation of labor unions would help?

Mr. MULLENBACH. Mr. Conselor, I have not thought seriously enough about that to express an opinion.

Mr. THOMPSON. Have you thought as to whether or not there should be financial responsibility of labor unions?

Mr. MULLENBACH. Not on that, either. I think they are too serious questions for one to speak of in this manner.

Mr. THOMPSON. Have you given any thought to the question of the relation of labor to the law, as to whether there is a failure of proper adjustment there or not?

Mr. MULLENBACH. Well, I feel, as a private citizen, that too frequently where the employer by organization of labor has enforced—has had the pressure put upon him, has gone from the economic field, if you will, has yielded that and gone over into the courts and sought power from the courts that he did not have in his hand in his contest with the labor union when it was thoroughly organized; in other words, he has resorted to injunctions. I think that as a free American citizen, I feel that sometimes the courts have been, at least it is in some confusion in my mind as a layman, the courts have resorted to this, what seemed to him ex powers in order to oppose the union in such particular struggles.

Mr. THOMPSON. Do you think that the establishment of industrial courts, bodies that could deal with grievances arising, or that giving to our present courts, when a party comes before it asking for an injunction, power to not only pass on the law points, but to go into the questions, the industrial questions, and settle them, would that be a good thing?

Mr. MULLENBACH. That might be a good thing, but I believe that seriously I have not thought about it enough to give an opinion.

Mr. THOMPSON. Well, Mr. Mullenbach, is there anything that you would like to say to the commission?

Mr. MULLENBACH. I think not. I would like to say this about violence: As a citizen, it seems to me there is a good deal of pretense and hypocrisy on both sides with regard to this matter of violence. I think as long as we have human society held up at the point of the bayonet, that when we have a local labor war, in which the livelihood of an immense number of people is at stake, and where perhaps the existence of a great business is at stake, that while the leaders on each side may not definitely lay plans to resort to violence, that it is almost inevitable, human nature being what it is, that violence will arise. I do not think that either side would admit that they were the instigators of violence. I do think that as long as men are organized as they are, and that the worker on one side has his livelihood at stake, and his family welfare, his home and that he has within him only his physical power, not having financial or legal power; that then the resort to physical power would be very easy under provocation. And I think that equally on the other side the business man who is responsible for an immense plant and can not afford to take this chance with human nature, and he wants to protect his plant, that out of that clash you will almost inevitably have some violence. I can't see how it can be avoided, although it may not be intended on either side.

Mr. THOMPSON. Then you don't think that that violence should be charged either to the union as such or the employer as such?

Mr. MULLENBACH. No, sir.

Mr. THOMPSON. But you would lay it at the doors of human nature?

Mr. MULLENBACH. I think that all of us are about the same garden variety of human beings.

Mr. THOMPSON. That is all.

Chairman WALSH. Any questions?

Commissioner DELANO. I would like to ask a question.

Chairman WALSH. Mr. Delano would like to ask a question.

Commissioner DELANO. You have expressed the opinion, Mr. Mullenbach, that when we have employers very strongly organized and the workers were very strongly organized, that you get better results?

Mr. MULLENBACH. Yes, sir; I think that is true.

Commissioner DELANO. Now, what is to prevent—supposing there is 100 per cent organization of employers in any particular field of industry, and 100 per cent organization of workers, what is to prevent simply increasing the cost to the consumer of the product, and does not that, as a matter of fact, happen?

Mr. MULLENBACH. I think that that may come out of such an organization, Mr. Commissioner. I am simply speaking now for our present order of industry, which I think is not free.

Commissioner DELANO. Now, what protection does the public—does the consumer have—in a situation like that? We have had before this commission several instances where about that condition of affairs exists.

Mr. MULLENBACH. Well, it seems to me that if the profits grew too large for each side, the wages of the one and the profits grew too large for the employer, under such a scheme of things——

Commissioner DELANO. I did not say they were too large. I simply asked what would prevent the increasing the——

Mr. MULLENBACH. Yes; and they keep increasing the cost, which would mean, as I take it, that each of the parties to the contract would have the same profit; in other words, the profit of the employer and the wages would be raised.

Commissioner DELANO. You misunderstood my question: The employer would simply say, "Why, so long as I can make the public pay for this thing, I don't object to paying more wages." And he would go on paying increasing wages every year. Where does the public come in in a question like that?

Mr. MULLENBACH. Except when he became too costly, the public would probably organize in some other way to find redress. Somebody would put some capital into another scheme of organization. That is the only way I can see out of it.

Chairman WALSH. Might not the law itself step in?

Commissioner DELANO. The situation would get so bad that it would break down?

Mr. MULLENBACH. How is that, sir?

Commissioner DELANO. The situation would get so bad that it would break down?

Mr. MULLENBACH. It might.

Commissioner DELANO. It might?

Mr. MULLENBACH. It might become such an isolated and conspicuous monopoly that it would break down.

Commissioner DELANO. Such a thing has not come to your attention?

Mr. MULLENBACH. No; I haven't seen an instance of it; neither have I seen, I think, an instance of a complete or thorough organization. It is very exceptional where you have all of your employers or all of your people organized.

Chairman WALSH. Do you want to ask a question, Mr. Garretson?

Commissioner GARRETSON. I want to ask one proposition coming out of the last question: Make your proposition nation wide, and organize your employers 100 per cent and your employees 100 per cent, and doesn't it answer itself, because the employers and the employees will furnish 95 per cent of the public?

Mr. MULLENBACH. Well, they probably will, but I was thinking of particular trades when Mr. Delano spoke, some particular section.

Commissioner GARRETSON. But make it nation wide and you have got the answer itself, haven't you, in that particular fact?

Mr. MULLENBACH. Yes.

Chairman WALSH. Is that all?

Commissioner GARRETSON. Yes.

Chairman WALSH. Thank you very much, Mr. Mullenbach. That is all.

We will now stand adjourned until 2 o'clock.

(At 12.30 o'clock p. m. of this Friday, July 24, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS.

Now, the hour of 2 o'clock p. m. having arrived, the commission met pursuant to adjournment.

Present: Same as before.

Chairman WALSH. The commission will please come to order. All right, Mr. Thompson.

Mr. THOMPSON. Mr. Reynolds.

TESTIMONY OF MR. GEORGE M. REYNOLDS.

Mr. THOMPSON. Mr. Reynolds, will you please give your name?

Mr. REYNOLDS. George M. Reynolds.

Mr. THOMPSON. And your business address.

Mr. REYNOLDS. 72 West Adams Street.

Mr. THOMPSON. Are you president of that bank?

Mr. REYNOLDS. I am.

Mr. THOMPSON. How long have you been president?

Mr. REYNOLDS. About eight years president.

Mr. THOMPSON. As a banker interested in the financial state of the community do you take into consideration the various business and commercial elements?

Mr. REYNOLDS. We try to; yes, sir.

Mr. THOMPSON. And you follow the conditions of the crops, I believe, more or less thoroughly?

Mr. REYNOLDS. We try to follow them as closely as we can; yes, sir.

Mr. THOMPSON. That is true also of the other commercial conditions?

Mr. REYNOLDS. Yes; in a general way we try to keep in touch with whatever goes to make existing conditions.

Mr. THOMPSON. In that observation of the general commercial and business conditions, has the labor problem come under your consideration?

Mr. REYNOLDS. Yes, sir; in the way of observation. I never have myself been situated where I have had direct contact in the employment of union labor, however.

Mr. THOMPSON. What, in your opinion, is the effect of industrial disputes on the general commercial and financial conditions of the community in which they occur and the country generally?

Mr. REYNOLDS. Well, I think that when labor and capital are both employed and business is running at its maximum or normal activity, anything which interferes with the conduct of that business anywhere has some effect upon the whole situation. The amount of the effect depends entirely, or the measure of the effect depends entirely upon the magnitude of the matter under dispute and the number of people affected by it.

Mr. THOMPSON. Have the disputes which so far have occurred—massing them—had an appreciable effect on commercial conditions?

Mr. REYNOLDS. I think they have at different times.

Mr. THOMPSON. Could you illustrate that by any particular industrial trouble in Chicago?

Mr. REYNOLDS. Well, I think more recently the brick strike here would illustrate the thought I have.

Mr. THOMPSON. What are your conclusions in regard to the effect of that strike, taking it as an example?

Mr. REYNOLDS. I think it delayed the erection of many buildings here. It created a stagnation of business, and inability on the part of manufacturers of products to use them, and resulted in people being out of work to that extent.

Mr. THOMPSON. Was that due to a considerable extent or an appreciable extent or not?

Mr. REYNOLDS. Yes; I think it was noticeable to all classes of business: more, of course, to the manufacturer and producer of the commodity that would be used in the erection of buildings under contract.

Mr. THOMPSON. Did that have any effect on banking?

Mr. REYNOLDS. Indirectly, to some extent; but not so much in other directions.

Mr. THOMPSON. What, in your opinion, is the desirability of industrial peace and regular carrying on of business free from strikes—labor strife?

Mr. REYNOLDS. I think anything which could regulate business to such an extent that we would not have the frequent interruptions through contentions between labor and capital would be most helpful in any direction. Anything that would stand for stability, for that matter, so that we might proceed some length of time without any dissension of any kind, would be very helpful in all lines.

Mr. THOMPSON. Is there any particular view held generally among the banking community with reference to these industrial strifes?

Mr. REYNOLDS. Well, I would say, with my knowledge, there is, because I am frank to say I don't consider myself an expert or especially strong student on that particular thing you are dwelling on for the moment. I would not say I am an involuntary witness here, but I am not a voluntary witness to the extent I believe my views are infallible by any means.

Mr. THOMPSON. As a citizen of the community, have you any views as to the ordinary remedies which are used, such as conciliation, mediation, and arbitration in the settlement of industrial disputes?

Mr. REYNOLDS. Only as I have got it by observation. As I said before, I have had no personal contact with labor organizations of this kind where I have been personally engaged in any of that work of conciliation or mediation or arbitration as far as that is concerned, but it seems to me that everything along the line of a peaceful and conciliatory avenue is to be desired. I am something of a believer in the theory that if two parties to a disagreement are honest in their contention and honest in their efforts to correct the differences of opinion, and they will both put their cards on the table face up, that it is not a very difficult thing, as a rule, to adjust those differences.

Mr. THOMPSON. We live to-day in an age of organization, do we not?

Mr. REYNOLDS. Yes; to a great extent.

Mr. THOMPSON. That is particularly true of the banking industry, is it not?

Mr. REYNOLDS. Yes; the same as everything else.

Mr. THOMPSON. And large manufacturing industries?

Mr. REYNOLDS. I suppose you mean by that that things are done in large units as the result of organization of big corporations. Everything nearly is done more or less that way.

Mr. THOMPSON. In other words, more cooperation and working together for the handling of the various avenues of business endeavor which we have in the world to-day.

Mr. REYNOLDS. It would be most desirable, I think, if they could do so.

Mr. THOMPSON. Well, in the productive world, in the steel world, in the coal industry, and in the banking business that is fairly true, is it not?

Mr. REYNOLDS. Yes; I think so. I think the period of consolidation and of organization of large things as it has obtained in recent years has been with a view of creating a more efficient result in the accomplishing of the things you have just mentioned.

Mr. THOMPSON. Now, Mr. Reynolds, some people are of the opinion, however, that the organization of the workingmen as such into large units—unions—leads to a decrease of efficiency and to the disorganization of production; on the other hand, some people believe that that leads to a more orderly state of production. Have you any views as to whether or not——

Mr. REYNOLDS (interrupting). Nothing——

Mr. THOMPSON (continuing). The workingmen should follow the general trend of the age or not?

Mr. REYNOLDS. My views upon that would be secondhand rather than otherwise. And you are having plenty of evidence here from people who are directly interested and who can give that proposition more definitely, more accurately than I could.

Mr. THOMPSON. The idea there, Mr. Reynolds, is that you are to a certain extent removed from the active field of conflict?

Mr. REYNOLDS. That is it. Yes, sir.

Mr. THOMPSON. And as an important member of the public, general public, you might have some views that would really, perhaps, be more beneficial than those directly interested.

Mr. REYNOLDS. The thought I have in connection with that is this: Sometimes the expressions of people in more or less high places in business, on subjects

that are national in their scope and are complex in their character and effect, as this discussion of this question affects so many people—I say, the discussion of those questions by people who are not thoroughly conversant with them, creates confusion and does more harm than if people would frankly admit, as I am willing to, that I am not especially versed in that phase of this situation.

Mr. THOMPSON. From the standpoint of the public at large, you can see no objection to the organization of the workingman in industry?

Mr. REYNOLDS. Not at all. No, sir. I think that——

Mr. THOMPSON. I beg your pardon.

Chairman WALSH. You thought what?

Mr. REYNOLDS. I beg your pardon.

Chairman WALSH. I thought you were interrupted; you thought what?

Mr. REYNOLDS. I say I think that where large bodies of men engaged in any kind of work or enterprise get together collectively into any kind of an organization for any purpose, I think pretty generally speaking the purposes for which they are collected into these organizations are laudable enough within themselves. I think, however, that human nature applies with the same measure that the law of supply and demand, or the law of averages would direct, rather, in each of those organizations. Now, there may be in labor organizations men who are not wholly unselfish in their use of their organizations just as there are in other civic organizations, in my line of work, the everyday line of workingmen, who simply exceed what many of us might agree would be their proper limits.

Mr. THOMPSON. Would that hold true, in your opinion, Mr. Reynolds, with reference to men working in public-service corporations?

Mr. REYNOLDS. It might, sir; I do not see why it should not.

Mr. THOMPSON. Have you any opinion with reference to whether or not collective bargaining is a satisfactory measure to meet with some of the difficulties of the labor problem?

Mr. REYNOLDS. Well, it might do that. It might meet some of the objections.

Mr. THOMPSON. It has been stated by many, Mr. Reynolds, that there is a condition of industrial unrest, I do not mean commercial or business unrest, today; but I am distinguishing the position of the worker as such from the rest of the community. He feels the results under present conditions, not the condition of this year, but generally. Do you believe such unrest exists?

Mr. REYNOLDS. Well, we see more or less evidence of it every day. Sometimes I am rather prone to believe that maybe a good deal of what we superficially call unrest is an exaggeration of existing conditions. When you stop to study and analyze the situation in this country, as it is applied to all classes, and compare that with the same situation in foreign countries, it seems to me that the measure of success and prosperity that has attended the people of this country has been such that there ought not to be as much discussion of the question of a condition of unrest as there is. I could illustrate that perhaps by—well, take last winter in this city, for example, the associated charities undertook to raise a very large amount of money to take care of the worthy and needy poor in the city, a very laudable undertaking. But in their effort to do this, they were advertising all the time that there were many thousands of people out of employment. They were painting that part of the picture as dark as they could, in order that they could get as large a donation as possible from the public, in order that they would give more freely. Now, I think in all civic organizations there is more or less of that sort of thing going on all the time. A few people form an organization with a view of trying to correct some condition that they regard as being unsatisfactory. They start upon the theory that they are going to impress the necessity of a responsibility of the public upon the importance of the situation and they immediately paint that picture just as dark as they can. And I sometimes think that maybe a good deal of our troubles are mental troubles, after all is said and done.

Mr. THOMPSON. What would you say, Mr. Reynolds, with reference to the strike in the copper region—Calumet and Colorado?

Mr. REYNOLDS. Well, I know of nothing that except as I get it from the public press. It seems to have been a very bad state of affairs. Business was almost paralyzed in those communities; men were out of employment and unable to buy the necessaries of life. With all, as I understand it, a very bad condition was created.

Mr. THOMPSON. There apparently was a breakdown in civil government in both places.

Mr. REYNOLDS. Yes, sir.

Mr. THOMPSON. The martial law was declared?

Mr. REYNOLDS. Yes, sir.

Mr. THOMPSON. Is that, in your opinion, a very bad state of affairs?

Mr. REYNOLDS. It is a very bad state of unrest, and ought to be corrected, if it is possible to do it.

Mr. THOMPSON. That condition, I think, existed also in West Virginia until within the last year.

Mr. REYNOLDS. Yes, sir; in the coal strike.

Mr. THOMPSON. Take those symptoms, not as opinions of philanthropic bodies, but as actual existing conditions, take that state of facts, the unrest, what would you say with reference to its cause and what would you suggest as a remedy for its cure?

Mr. REYNOLDS. Well, I should say the causes there were too much agitation from all sides. And in saying that I say that the agitation probably came from both sides to a certain extent. It should be corrected, if possible, and it is a pretty big question as to how and what would be the best way to correct that. Personally, I have always believed in an effort on the part of the interested parties through conciliatory efforts to reach an agreement if possible, and failing in that, it seems to me, that it could be accomplished through enforced arbitration after a certain point. I would not begin from the start, but after a contention between two parties had reached a state where people were entirely apart and the two sides of the contention were being affected, then I think enforced arbitration of some kind by some commission, some body, of a kind that would be competent to keep tab and in touch with cases of that kind might do it—something after the order of the Canadian plan. I do not know just what they call it, but I understand it is equivalent to a Cabinet officer in this country. That he has general supervision over their industrial difficulties and at a certain point he has a right to step in and insist upon arbitration.

Mr. THOMPSON. Do you think, Mr. Reynolds, that the existence of a Federal industrial council, a body of men selected for their ability and disinterestedness in that subject, perhaps, who could investigate the facts in such an industrial dispute and who would have power of conciliation and mediation and, upon the request of the parties, the power to arbitrate, do you think such a body, with powers to throw light on the subject, would assist in any way, at least?

Mr. REYNOLDS. Yes; I think it could be very helpful. Of course, the crux of the whole thing would be in a measure the unselfishness that would be applied and the measure of equity and the justice that would be applied. And if a body of that kind was formed, with men familiar with their activities, and they would be entirely unselfish and make justice and fairness watchwords, then I can see a good deal of good might come out of it.

Mr. THOMPSON. Is there anything else you would like to state at this time with reference to the industrial problem?

Mr. REYNOLDS. I do not know that I do, sir.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Garretson would like to ask a question.

Mr. THOMPSON. Just a moment. One more question: Do you think there should be some method by which the union should have a more stable responsibility and position in the industrial matters?

Mr. REYNOLDS. I am talking again entirely from a theoretical point of view when I try to answer that. But my own opinion is, from knowledge I have, that incorporation of the union where a responsibility could be properly fixed would help solve that problem.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask you a question or two.

Commissioner GARRETSON. Mr. Reynolds, you made the statement, I believe, one of the things to be desired was stability. Do you believe the maintenance of stability would be justified if stability meant the perpetuation of a moral wrong toward either interest?

Mr. REYNOLDS. No; I don't. I would answer that by saying that I would have unselfishness, justice, and fairness the basis of all negotiations.

Commissioner GARRETSON. Then, if the demand of a body of employees or the resistance of the employer was against a manifest injustice on either side, the one that contested and brought on the war would be justified thereby under those facts, in your opinion?

Mr. REYNOLDS. Well, I would not want to undertake to say what justification——

Commissioner GARRETSON. Without passing upon what the definition of justification is.

Mr. REYNOLDS. Passing the question of the justification, I should say the settlement of a misunderstanding of that kind might well be left to people who would be disinterested.

Commissioner GARRETSON. Do you believe that the question of where it is manifest that where injustice exists either way that the obligation rests on any man to leave it to third parties to say whether he shall resist?

Mr. REYNOLDS. Well, if we are to submit our differences of opinion and contentions to law at all, I don't know why it should not apply there as well as any place else. Otherwise we would all be taking the law into our own hands, and executing what we regarded as right and wrong.

Commissioner GARRETSON. Is there any law in existence that will make any man work against his will?

Mr. REYNOLDS. No; that is very true, and should not be.

Commissioner GARRETSON. Any more than it could compel you to remain in the banking business; one would be as fair as the other, would it not?

Mr. REYNOLDS. Yes, sir; entirely so.

Commissioner GARRETSON. Is the commercial supremacy of a country and the amassing of wealth to be considered supremely desirable, if that can only be brought about by the social submerging of a large portion of the citizens?

Mr. REYNOLDS. No; I quite agree with you.

Commissioner GARRETSON. In your opinion, has a commercial enterprise any right to exist unless it can be so conducted as to give those who conduct it a reasonable compensation for their labors?

Mr. REYNOLDS. As a whole I should answer no. There might be an individual commercial organization which, through competition of some kind or other, might be forced into such a condition, but collectively I should say no.

Commissioner GARRETSON. The man himself who owns the enterprise would be perfectly justified in starving himself to make it win if a reward lay ahead, but that would not apply in your opinion to the men who were hired to carry it forward?

Mr. REYNOLDS. I don't think I would have any right to express the measure of starvation the other man should go to; no, sir.

Commissioner GARRETSON. Has your experience in business life led you to believe that a higher conception of moral as well as legal responsibility obtains in associations of business men than in associations of laboring men?

Mr. REYNOLDS. I have not been close enough related to associations of labor to have a very definite idea on that subject. As I said before, I am rather reluctant to express an opinion that only represent theories and not knowledge from practical experience.

Commissioner GARRETSON. Then knowledge has not led you to believe that a greater portion of the laboring men as connected with organizations are dishonest than of men engaged in other pursuits?

Mr. REYNOLDS. My general belief is that the great majority of all civic bodies, including union labor organizations, are honest and well meaning and, as I said before, that the purposes of their organization are laudable. In many cases, individuals take advantage of their official positions, and that will apply to civic organizations——

Commissioner GARRETSON. Including labor unions?

Mr. REYNOLDS. Yes, sir.

Commissioner GARRETSON. We have got to that common ground, anyhow. You refer to the Canadian act. After using the phrase "forced settlement" or "forced arbitration," were you aware that the Canadian act, known as the industrial disputes act, has nothing of the forced arbitration in it?

Mr. REYNOLDS. I don't think perhaps the word "forced" is a proper word to use in connection with that statement. My knowledge of this is based almost entirely upon an address which I heard the officer—I don't now remember his name——

Commissioner GARRETSON. The minister of labor—Maxwell King—former minister of labor.

Mr. REYNOLDS. In that address he told in a general way of the treatment of their labor disputes in Canada as compared with our methods in this country and it impressed me generally as being a good thing.

Commissioner GARRETSON. It provides for compulsory investigation, but has no method of making its verdict binding upon either party.

Mr. REYNOLDS. The result shows that nearly all of those things are compromised after they enforce those investigations; the same result.

Commissioner GARRETSON. Have you also seen the fact developed that it also—seen the fact reported—it also developed utter disregard for the law on the part of large bodies of men?

Mr. REYNOLDS. No, sir; I have not.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions? That is all. One minute, Mr. O'Connell wants to ask you a question.

Commissioner O'CONNELL. I don't want to bring you back, but I want to make just one comparison. There are among bankers—banking interests—those who are not considered straight always in their dealings with their depositors, and as a result there are bank failures at times. The cause of a bank failure or some officer of a bank misappropriating or doing away with the funds of the depositors, would not be justification for the discontinuance of the banking system of this country, nor would it be evidence that the bankers were dishonest.

Mr. REYNOLDS. No, sir; I don't think so. I think that illustrates again the law of averages. I think that is the determining influence in it.

Commissioner O'CONNELL. By the same argument, then, it would be no more justifiable than to say that some labor leader had been charged with grafting and that labor organizations should be done away with?

Mr. REYNOLDS. Not unless the infractions—well, I would not say of law, because it is not law—unless the infractions or grievances would show they were more common than they are in the failures of banks, I would not say so.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all. Thank you.

TESTIMONY OF MR. JOHN G. SHEDD.

Chairman WALSH. Take that chair, please, Mr. Shedd.

Mr. THOMPSON. Mr. Shedd, will you give us your name, please?

Mr. SHEDD. John G. Shedd.

Mr. THOMPSON. You are president of Marshall Field & Co.?

Mr. SHEDD. I am.

Mr. THOMPSON. How long have you been connected with Marshall Field & Co., Mr. Shedd?

Mr. SHEDD. Forty-two years.

Mr. THOMPSON. Marshall Field runs a wholesale and retail dry goods business, so called?

Mr. SHEDD. They do.

Mr. THOMPSON. Probably the largest business of its kind in this city?

Mr. SHEDD. We have that name.

Mr. THOMPSON. Is Marshall Field also engaged in the manufacture of goods here and elsewhere?

Mr. SHEDD. Yes, sir.

Mr. THOMPSON. In Europe, I believe?

Mr. SHEDD. No, sir—well, to a very slight extent; I don't know but I would qualify that a bit by saying to a slight extent—in a small way.

Mr. THOMPSON. Where are their principal manufacturing plants?

Mr. SHEDD. For the manufacture of laces, at Zion City, Ill.; in the cotton industry, in Spray, N. C.

Mr. THOMPSON. Any other factories that you run and operate?

Mr. SHEDD. Well, we are in the underwear manufacturing business in New York City.

Mr. THOMPSON. New York City?

Mr. SHEDD. Yes.

Mr. THOMPSON. Do you manufacture any women's clothing, or men's?

Mr. SHEDD. I beg your pardon; we also have a factory at Monticello, Ind.

Mr. THOMPSON. What do you manufacture, there, Mr. Shedd?

Mr. SHEDD. We manufacture threads, yarns, etc.; at least, we convert them.

Mr. THOMPSON. Do you know, in round numbers, about how many people you employ in the manufacturing establishments of Marshall Field & Co.?

Mr. SHEDD. Well, in a round way, about 3,000.

Mr. THOMPSON. About 3,000. How many do you employ in the wholesale and retail business here in Chicago?

Mr. SHEDD. It varies between about 12,000 to 15,000. It varies.

Mr. THOMPSON. Now, in handling the business of that firm, both in the manufacturing and the selling and the distributing of goods, Mr. Shedd, you have had more or less occasion to come in contact with the labor problem?

Mr. SHEDD. Yes.

Mr. THOMPSON. Have you any collective bargaining or agreements with your people as such in any department of your industry?

Mr. SHEDD. Not which you might strictly term that, I think, and yet in a degree, perhaps, with the underwear manufacturing plant in New York and in the decorating department of our Chicago business.

Mr. THOMPSON. Have you any agreement with teamsters, we will say?

Mr. SHEDD. None whatever.

Mr. THOMPSON. None whatever. But you have had something to do with organized labor?

Mr. SHEDD. Something.

Mr. THOMPSON. Now, from your experience in the commercial and business world, Mr. Shedd, have you any opinion regarding the extent and causes for labor dissatisfaction in industry, and any remedies for its cure? Have you got a paper there which you would like to read?

Mr. SHEDD. Yes; if you will allow me. I received from the chairman of your commission a list of the general questions which it was suggested might be propounded, or matters which they desired to go into, and I hastily dictated general replies to each question, which I should like to submit.

Mr. THOMPSON. Well, you may read that, Mr. Shedd.

Mr. SHEDD. The first question suggested was, "Opinion regarding the extent and causes for dissatisfaction and unrest in industry."

My answer is that unrest in industry is world-wide and is caused by a desire for better conditions, better food, better housing, better clothing, and more leisure. A large element is also the prevailing agitation by politicians for purely political purposes and by irresponsible agitators for purposes of notoriety, until they finally convince the public that certain wage earners are deprived of their just dues.

Another element is the rapidly increasing complexity of industrial conditions during the past 25 years. Unrest is a sign of progress, not necessarily an evil. Another reason is the immigration of great numbers of unskilled workers from countries of great suppression to one pictured to them of great personal freedom and golden opportunity, which leads them to fall an easy prey to the agitator. The extent to which such unrest has apparently spread would dwindle to small proportions if the whole subject were removed from the realm of politics. A condition very apparent is the determination on the part of a great many people to indulge in luxuries at a sacrifice of providing for their future welfare and comfort in old age. The flocking of great masses of people to the large industrial centers, seeking excitement, who could live under better conditions in the small town or country. Lastly, the high cost of living is probably one item which causes warranted unrest and dissatisfaction. This high cost of living is largely attributable to the high cost of labor, not essentially to the cost per hour or per day (which may or may not be too high), but more largely to a lack of desire to do a full day's work for a full day's pay.

Question 2. "Constructive proposals within the scope of the commission's authority for improving conditions and alleviating unrest."

Answer. As to additional legislation, I think the Legislature of the State of Illinois has pretty well safeguarded industrial conditions. You can not, in my opinion, legislate to stifle unrest any more than you can legislate people into a happy frame of mind. To my mind, the greatest happiness and satisfaction comes from a full day's work well done and fully recompensed. A writer has recently said in one of our daily publications, which quotations I fully indorse: "It is well to remember that this country is to-day the best country in the world for the man who has to make his living; that it still offers him the greatest opportunity and the clearest title to regard himself as a real factor in the community. It is well to remember that there is in this country a willingness on the part of large business men to seek sincerely the causes of industrial unrest and to cooperate toward removing them that has no parallel in other countries." To the extent that this unrest is special and caused by agitators, paid or otherwise, the commission might recommend to Congress that the Sherman Act be made more clear in its application to every conspiracy of labor organizations in restraint of interstate and foreign commerce. It might also recommend that it be made a criminal offense for an employer or labor leader, in connection with a strike, whether affecting State, interstate, or foreign com-

merce, to attempt to pay or attempt to obtain a bribe as a reward for his services in securing a settlement.

Question 3. (*a*) "Collective bargaining—trade-unions."

Answer. My experience in relation to collective bargaining and trade-unions has not been such as to inspire confidence in the result of the various phases of this element. The lack of moral or financial responsibility to carry out the written contracts of these institutions is largely responsible for my state of mind on this question. Collective bargaining, as I have observed it, binds only the employer and not the employee. The peculiar necessities of the business in which I am engaged require service—active and prompt—and require the immediate and conclusive acquiescence of all in the service from the lowest employee to the head of the house. We make no exception to this rule, and we have never found that it was either irksome or detrimental to the interests of the employee. I believe our organization has the highest state of efficiency of any of like nature in the world. To reach this high state of efficiency, we have for nearly 50 years adhered strictly to one policy, probably not deviating once a year from such policy; that is, continual promotion from the ranks, going so far, if you please, as from elevator operators to stock rooms, stock rooms to sales persons, from sales persons to departmental heads. Every officer of our company has gone up through the business from stock boys or errand boys to the high positions they now occupy. As I view it, none of this could have been accomplished if these men in occupying their lower positions had been members of a fraternity to which they were more loyal than to our business.

(*b*) "Means of securing and promoting industrial efficiency."

Answer. By instilling into the mind of every employee the necessity for industry and an earnest, cheerful endeavor to earn their wage. Individuality instead of collectivity.

(*c*) "Legislation regulating the conditions of employment of women."

Answer. I have an idea that at the present time we have in Illinois sufficient legislative enactment to care for the interests covered by this question. We have the 10-hour day, employers' compensation, employers' liability, State factory inspection, etc., all of which, I believe, are being effectively administered.

(*d*) "Minimum-wage legislation."

Answer. The advisability of legislation fixing a minimum wage for unskilled women is one which should have very mature consideration. My present opinion is that it would be very harmful to the class which agitation has suggested it would benefit. For instance, if the minimum wage were fixed at $8 a week and well-trained help could be obtained at a somewhat increased rate, then there would be no opportunity for the unskilled seeker for position. This would have an immediate tendency to drive the unskilled woman in desperation for lack of employment to the very acts which it is intended to obviate by the suggestion of the minimum wage. Other than this suggestion, I have no opinion to offer.

(*e*) "Desirability and results of welfare work."

Answer. Welfare work among women employees I believe to be very beneficial, even in cases where it is only advisory. It makes for better social, moral, and physical conditions.

I have stated here, Mr. Chairman and gentlemen, some of the items in which we are engaged. I will hand it to you if you desire. It might be such as you care to hear, and I will read them:

Some of the items included in the welfare work of Marshall Field & Co.: Vacations, time for necessary outside affairs, hospital rooms, lunch rooms at cost, school for juvenile help, Chicago Public Library substation, music room, social rooms, new gymnasium, choral society, baseball, salesmanship conferences.

Our welfare workers keep in touch with the various employees and get as accurate a knowledge as possible as to the home conditions.

We do not to any extent furnish personal medical assistance, most employees desiring to consult their own physicians, in many cases these being family physicians employed perhaps for years in the families.

We do not believe in paternalism as applied to the surveillance of the employees—just those little touches of interest which are helpful.

I have no further suggestions to make on this subject.

(*f*) "The administration of labor laws and possibility for improvement."

Answer. It might be well for the National Government to inaugurate a system of public works, such as road building, guaranteeing the bonds of the various States for this purpose and only as an emergency measure in times of great depression.

(*g*) "Scope of application of conciliation and arbitration and extent to which the State should intervene in industrial disputes."

Answer. I believe that the State should not intervene in industrial disputes beyond the exercise of the usual police powers for the preservation of peace and order.

(*h*) "Industrial education and vocational guidance."

I believe in vocational training in our public schools, which should supplement but in nowise supersede the fundamental general training which every child should have, and should extend throughout the country.

(*i*) "Pensions for aged and incapacitated workers."

Answer. As applied to a business like the one in which I am engaged, I am opposed to the general pension system for the reason that it tends to lessen thrift of the individual and creates a general atmosphere of dependence. Our method has been to take up each individual case. All well-conducted businesses should have some equivalent of the pension system. It strikes me that a universal application of the pension system would foster paternalism and tend to take from the individual a sense of personal responsibility for his future and the future of those dependent upon him, which should be incumbent upon every man and makes for a strong nation.

I am of the belief that old-age pensions would not be such a burning question before the public if we, as individuals or collectively, had stamina enough to refrain from the use of tobacco or alcoholic beverages in any form. The savings thus produced, if deposited in a savings bank weekly, would insure our people and their families from dependence in both youth and age.

(*j*) "Profit sharing."

Answer. Profit sharing, limited to the sharing of profits of successful years, without any responsibility for the losses of unsuccessful years, I believe to be unfair. The system should only be applied to where the responsibility and liability of participation is applied to all alike, whether employer or employee. Instances like the Henry Siegel and Claflin failures in the East confirm me very strongly in this opinion.

This was brought very strongly to my mind by this incident, the unfortunate incidents in New York and Boston, of the failure of the large concerns there. If a man has an interest in the profits as a stockholder and does not participate in the losses, it is a gratuity and should be a part of the general wage paid unless responsibility can be fixed both ways. That, Mr. Chairman, I think, is all.

Mr. THOMPSON. Your business is a competitive business?

Mr. SHEDD. Yes, sir.

Mr. THOMPSON. Are there limits caused by competition to what you could do for your people?

Mr. SHEDD. Are there limits caused by competition to what we could do for our people? I should say not.

Mr. THOMPSON. Generally the competition in your business doesn't affect much your wage system, or wages paid, does it?

Mr. SHEDD. I think it is fair to say not. Of course competition fixes all things, but I think it is safe to say not.

Mr. THOMPSON. Taking the conditions which have existed within the last two years in Michigan and Colorado and western Virginia where civil government has broken down and martial law has been declared, have you any comment to make in respect to those matters, particularly with reference to a statement that the Government should only intervene to the extent of keeping peace?

Mr. SHEDD. Only this: I believe every man, whether he belongs to a union or not, whether he is a party to collective or individual bargaining, should have the right to earn his living anywhere in the world. He should not be deprived of the results of his own labor. He should not be deprived of his right to labor, no matter whether he belongs to a church or not, and no matter whether he belongs to a labor union or not, no matter whether he belongs to any fraternal organization or otherwise. I think every man's inalienable right is that of earning his own livelihood as he pleases as long as he keeps withing the law.

Mr. THOMPSON. Have you any opinion—this is suggested by your answer—with reference to whether or not it is advisable for the worker to belong to a union organization or not?

Mr. SHEDD. In the business which I am engaged in I should think it was very detrimental to his interests. If you wish me to confine myself to that.

Mr. THOMPSON. You can make it as broad as you wish.

Mr. SHEDD. There might be relations, I think, in the lower scale of employment where a man is practically, either from a difficulty in speaking the language or any other defect, in his own ability to take care of himself, and I would say that collective bargaining or bargaining through some agency of which he should be the voluntary contributor, would not be objectionable.

Mr. THOMPSON. Even in cases of intelligent men—men who are engaged in the various occupations in this country, do you think that they could bargain as effectively for their wages, for the hours of work, and for working conditions, individually as they could collectively?

Mr. SHEDD. I am not entirely prepared to answer the question. I should think in some of the employments perhaps collective bargaining is to their advantage. I say in the lower scale of labor.

Mr. THOMPSON. Take in garment making, that is not very low.

Mr. SHEDD. No lower, I guess, in a certain field, as in ours, perhaps, because as I understand it—I have had some experience with the garment workers and they are largely of a class, the workers themselves, of those who do not speak the English language.

Mr. THOMPSON. While that probably is true, but the work itself—the various phases of the work require more or less skill, do they not?

Mr. SHEDD. Yes, sir.

Mr. THOMPSON. And skilled work implies intelligence?

Mr. SHEDD. Yes; it may be mechanical, however.

Mr. THOMPSON. Some element of intelligence there.

Mr. SHEDD. It is largely mechanical still and not the element of what you and I would fairly term skill. It would be mechanical.

Mr. THOMPSON. These people may be intetlligent, even though foreigners just lately arrived here?

Mr. SHEDD. Oh, yes; yes, sir.

Mr. THOMPSON. And you feel that the union is probably good for them or not?

Mr. SHEDD. Well, I should have to leave that to the individuals themselves. I would be entirely willing that they should belong as long as it is voluntary. I have no comment on that.

Mr. THOMPSON. Do you think, perhaps, a national body, a body appointed and created by the United States Government with power to investigate into the condition of industries and collect facts, particularly in times of strife and trouble, and also with power to mediate and arbitrate, do you think such a body would help the industrial conditions in this country, as you view it?

Mr. SHEDD. If it could be divorced entirely from the element of politics—I don't see hardly myself a way to do that. There is hardly a body that could be formed, whether it is a Progressive facing the wrong way, or whether it is Democratic, or a Republican, or whatever it might be—it seems to me it is a very difficult thing to form such a body that would be entirely impartial. If a body could be formed entirely from the judiciary, from the higher judicial elements, I should say it would be a very excellent remedial legislation or body, but otherwise not.

Mr. THOMPSON. Taking unions generally, have you an opinion as to whether they have been good or bad for industry, and whether they have been good or bad for the members of the union?

Mr. SHEDD. Well, I have heard so much on both sides of that question by union men themselves I don't care to answer that question.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Shedd, Mr. Garretson would like to ask you a question or two.

Mr. SHEDD. Yes, sir.

Commissioner GARRETSON. You express a new idea in regard to pensions, Mr. Shedd. If a man refrains from whisky and tobacco, he will create a fund?

Mr. SHEDD. Yes.

Commissioner GARRETSON. That will abolish the necessity for a pension. If that is correct, would he not add to that fund and also shorten the time for which it would be required if he would refrain from bread and meat.

Mr. SHEDD. Why, I should think your logic was correct.

Commissioner GARRETSON. Well, I wanted to know whether I had the correct understanding.

Mr. SHEDD. Yes. I myself don't quite place the same dependence on liquor and cigars as I do on bread and meat, for instance.

Commissioner GARRETSON. Well, I have heard that some people did.

Mr. SHEDD. No; I don't. No; I don't.

Commissioner GARRETSON. But don't whisky and tobacco stand, for many hundreds of poor men, for what all other forms of luxuries and amusements stand to men in better conditions?

Mr. SHEDD. Well, I can't quite answer that question. I——[Laughter and applause.]

Chairman WALSH. Ladies and gentlemen, we must maintain perfect order. I know you will assist me to do so.

Commissioner GARRETSON. Mr. Chairman, that is all.

Chairman WALSH. Mr. O'Connell desires to ask you a question.

Commissioner O'CONNELL. Just briefly—we have had before our commission in New York and Philadelphia the presidents and owners of the very large department stores, like Lord & Taylor, New York; and Mason, and then Mr. Wanamaker, representing Philadelphia and New York. They gave out some idea as to the conditions under which their people were employed, as to wages, and so forth. Can you give us, Mr. Shedd, the minimum rate of wages paid female clerks in your store?

Mr. SHEDD. Sales persons?

Commissioner O'CONNELL. Yes.

Mr. SHEDD. Yes; I think I can. I had some matter, I handed it—I am very much afraid—to the press. I think I have got the information. [Witness examined papers.] Well, I can't answer that question directly.

Commissioner O'CONNELL. Well, will you do it, or have some one do it who can do it, furnish it to the commission?

Mr. SHEDD. Yes; I can give you the average for our present employees in our retail departments.

Commissioner O'CONNELL. What is the average?

Mr. SHEDD. $12.90.

Commissioner O'CONNELL. But you can't give us the high and the low on that. Is there a minimum wage there that you pay to employees?

Mr. SHEDD. No, sir.

Commissioner O'CONNELL. What is the lowest wage, do you imagine, that you pay a lady clerk in your store?

Mr. SHEDD. I think $8 a week.

Commissioner O'CONNELL. Eight. And what is the minimum wage that is paid any person in your store; that is, in the sales department, either as a sales person, or as an assistant to a sales person?

Mr. SHEDD. Well, I—when you say "assistant to a sales person," that is a term which is hardly commercial.

Commissioner O'CONNELL. Well, you have such a thing as a cash girl—commonly called cash girl?

Mr. SHEDD. No, sir.

Commissioner O'CONNELL. They are discontinued?

Mr. SHEDD. No, sir.

Commissioner O'CONNELL. Then you have girls, cashiers?

Mr. SHEDD. Yes; we have cashiers.

Commissioner O'CONNELL. What are they paid?

Mr. SHEDD. I could not answer.

Commissioner O'CONNELL. Could not give it?

Mr. SHEDD. Not strictly.

Commissioner O'CONNELL. Will you furnish us with the information?

Mr. SHEDD. Yes; I will be glad to.

(The following communication was subsequently received from Mr. Shedd:)

MARSHALL FIELD & Co.,
Chicago, November 3, 1914.

DEAR SIR: Replying to your letter of the 1st ultimo, would say that the lowest wage paid to any female in our employ is $5 per week. This amount, or more, is paid to girls 16 or 17 years of age, who are the youngest and most inexperienced we hire.

We hire no girls under 16 years of age.

For this junior class of help we maintain a school, in which the boys and girls spend an hour each day during the regular working hours. They continue to do this until they have completed an education equivalent to graduation from the public schools.

The minimum wage paid to any female 18 years of age or over is $6 per week, and none except the most inexperienced receive less than $8.

The minimum wage paid by us to female sales persons is $8 per week.

Yours, very truly,

MARSHALL FIELD & CO.,
By JOHN G. SHEDD, *President.*

LEWIS K. BROWN, Esq.,
Secretary United States Commission on Industrial Relations.

Commissioner O'CONNELL. Do you have or do the employees have an association of any kind among themselves, like a beneficial association, that pays sick benefits, and that sort of thing?

Mr. SHEDD. Not to my knowledge. They are free to do it.

Commissioner O'CONNELL. There is nothing of that kind?

Mr. SHEDD. Not that I have any knowledge of. Bearing on your question, I have this estimate, made carefully: The wages of our male employees have increased during the last five years 15.1 per cent, and of our female employees 13 per cent.

Commissioner O'CONNELL. Have you the average of the male employees?

Mr. SHEDD. Yes; this memorandum is not quite clear; I had better not—you would want it exact. The average of all employees at present is $18.80 per week. That is the average of all the employees, but I have not got the men separate.

Commissioner O'CONNELL. What are the working hours in the store?

Mr. SHEDD. From 8 o'clock in the morning until 5.30 in the afternoon, except Saturdays. In our wholesale department we have a Saturday afternoon holiday the year around, commencing at 1 o'clock.

Commissioner O'CONNELL. But you don't have a Saturday half holiday in the store, in the retail store?

Mr. SHEDD. Not in the retail, only during the months of July and August.

Commissioner O'CONNELL. Do you know in New York this year and in Philadelphia the large retail stores are giving all day Saturday off?

Mr. SHEDD. Yes.

Commissioner O'CONNELL. For three months?

Mr. SHEDD. Yes; I have seen that in the press, that they are.

Commissioner O'CONNELL. So that they are only working five days during the hot season.

Mr. SHEDD. During the hot season. I have seen that.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all. Thank you, Mr. Shedd.

Mr. SHEDD. Thank you.

Mr. THOMPSON. Miss Nestor.

TESTIMONY OF MISS AGNES NESTOR.

Mr. THOMPSON. Miss Nestor, will you give us your name?

Miss NESTOR. Agnes Nestor.

Mr. THOMPSON. What is your business address?

Miss NESTOR. 166 West Washington Street.

Mr. THOMPSON. And your present position?

Miss NESTOR. I am president of the Women's Trade Union League of Chicago, and I am also president of the International Glove Workers' Union.

Mr. THOMPSON. How long have you been president of the International Glove Workers' Union?

Miss NESTOR. Less than a year.

Mr. THOMPSON. Less than a year. How long have you been——

Commissioner LENNON (interrupting). I can't hear, and I am near by.

Miss NESTOR. Less than one year.

Commissioner LENNON. Thank you.

Mr. THOMPSON. The audience, too, Miss Nestor, wants to hear.

Miss NESTOR. Yes.

Mr. THOMPSON. Both of us, they say.

Miss NESTOR. I shall try to.

Mr. THOMPSON. How long have you been connected in an official way with the glove makers' union?

Miss NESTOR. I have—almost since we have been organized, which is 12 years.

Mr. THOMPSON. Twelve years?

Miss NESTOR. I have been. Prior to the time that I was elected president of the international I was secretary-treasurer of the international and I served in that capacity for seven years. Before that I was a local officer.

Mr. THOMPSON. Is that an organization principally of women workers?

Miss NESTOR. Men and women.

Mr. THOMPSON. Men and women?

Miss NESTOR. Yes, sir.

Mr. THOMPSON. What proportion, about?

Miss NESTOR. Well, there is a little more than one-half of the organization that is men and the remainder women.

Mr. THOMPSON. What is the purpose of the Women's Trade Union League?

Miss NESTOR. The purpose of the Women's Trade Union League is to organize women into trade-unions and also to cooperate with everybody in every way we can to try to make conditions a little better.

Mr. THOMPSON. Has your organization any affiliation with the American Federation of Labor?

Miss NESTOR. We are not affiliated with the American Federation of Labor. We are affiliated with the Chicago Federation of Labor, and also with the State federation.

Mr. THOMPSON. And the relations between your organization and the American Federation of Labor are friendly or unfriendly—which?

Miss NESTOR. Very friendly.

Mr. THOMPSON. Do you generally have a delegate at their convention?

Miss NESTOR. Fraternal delegate. According to their constitution that is all we can have.

Mr. THOMPSON. Has the Women's Trade Union League got a constitution and by-laws?

Miss NESTOR. Yes, sir; we have.

Mr. THOMPSON. Have you that with you?

Miss NESTOR. I have a copy of our annual report. I do not believe the constitution and by-laws are in this, but I will be glad to file one with the commission. I will file this report also.

(The papers so presented were marked "Exhibit No. 1, Witness Nestor, July 24, 1914," "Exhibit No. 2," "Exhibit No. 3," "Exhibit No. 4," "Exhibit No. 5," and "Exhibit No. 6."

Nestor Exhibit No. 1, pamphlet entitled "Women's Trade League of Chicago," biennial report, 1911–1913; Nestor Exhibit No. 2, clipping from the press, June 23, 1913, announcing 6 o'clock closing hour for certain stores; Nestor Exhibit No. 3, circular entitled "Women's Trade Union League's statement of the Facts Concerning Henrici's, on Randolph Street"; Nestor Exhibit No. 4, folder entitled "Women's Trade Union League of Chicago—Platform"; Nestor Exhibit No. 5, list of workers in various occupations; and Nestor Exhibit No. 6, circular entitled "How the Hours in the Retail Stores can be Regulated Under a Fifty-four-Hour Week Law," were all submitted in printed form.)

Mr. THOMPSON. What have been the activities of the Women's Trade Union League while you have been connected with it as president and otherwise, if you can speak later?

Miss NESTOR. Well, our activities have been to try and organize women into trades-unions. We have worked to secure protective legislation for the women workers. We work with the trades-unions in various ways to strengthen some of the unions that perhaps needed our assistance and advice, and also we have several branches of our work. We have what we call our health-committee work, law enforcement. We work to—we had a committee that did a great deal in bringing about the creation of the fire-prevention bureau that exists in Chicago now. We have been working to help the enforcement of these laws.

Mr. THOMPSON. Just a little louder, please.

Miss NESTOR. We—through our efforts largely the fire-prevention bureau in Chicago was organized, and since the creation of that we have been trying to work with that bureau to bring about better enforcement of the law. It is a new bureau and they have not any adequate funds to have the number of inspectors they ought to have. And we have a committee to find out the condition in the factories, find out any way of violations, of laws being violated, so that we can report to the bureau. But our main work, of course, is the organization of women—our general work.

Mr. THOMPSON. Has your organization taken any part in the enactment of State legislation through what you have mentioned, for instance, the 10-hour law for women?

Miss NESTOR. We work and try to——

Mr. THOMPSON. Did you take part in the work?

Miss NESTOR. It was through the efforts of our organization, I believe, almost entirely that the law was placed on the statute books. Our organization, with the waitresses' union, I mean. We worked the first session to secure the passage of that law. It was a very limited law; it only applied to what are considered the laborious trades. At the next session we worked to extend it to all the other occupations and were successful. At the last session we tried to reduce the hours. We had the 10-hour day, which is 70 hours a week, and we tried to reduce the hours to 54, but were defeated in our efforts. We tried to secure the passage of the minimum-wage law, but we were defeated in our efforts in that. The attitude of the employers in regard to that legislation was, at the last session, that they did not care what it was, they were opposing progress in social legislation; that is what they call that—social legislation. They said they were fighting any progress——

Mr. THOMPSON. Who said that?

Miss NESTOR. Mr. Glenn was the one that made the statement before the House Committee on Labor. When the matter was before that committee there were several questions asked with regard to whether they could not conform to it in these different establishments, and he said what they were opposing was progress in this legislation, and it was not so much a question of——

Chairman WALSH. It was not so much a question of what?

Miss NESTOR. Of the particular provisions of the bill. They were opposing progress. He said they did not consider it health legislation; they considered it social legislation and they were fighting progress in social legislation. When the matter of the minimum-wage bill was before the committee Mr. Taylor was asked whether he was opposed to the wage or whether opposed to a flat rate, and he said they were opposed to all that legislation, giving the impression to the Senate committee they were opposed to anything in the line of minimum-wage legislation. It was a very broad bill.

Mr. THOMPSON. Did you hear Mr. Glenn make that statement?

Miss NESTON. I was in the committee that meeting; yes.

Mr. THOMPSON. Were those remarks taken down stenographically, if you know?

Miss NESTOR. I do not believe they were. I do not believe the committees were accustomed, unless especially asked, to take stenographic records. But it was a full committee meeting and there were several other persons there who heard it.

Mr. THOMPSON. What part does your organization take in a strike where women workers may be involved?

Miss NESTOR. In any strike in which women workers are involved, if the organization desires our assistance, they have to pass a motion in their meeting that they need our assistance and that is referred to our organization at a meeting of our executive board, which is called particularly for that purpose—if it is not a regular meeting—and we consider it and then vote whether we will give the support.

Mr. THOMPSON. You may tell, if you will, what are the conditions of membership and who compose the membership of your organization.

Miss NESTOR. The Women's Trade Union League?

Mr. THOMPSON. Yes.

Miss NESTOR. The condition of membership is that we ask that some one, of course, vouch for them, some one that we know, and that they subscribe to our platform, which is the organization of women's trades-unions, the eight-hour day, the living wage, equal pay for equal work, and true citizenship for women. That is the platform, the planks in the platform of our organization. We have in our membership trades-unionists; we have workers who are engaged in trades where there is no organization; and we have men and women who are interested in subscribing to our platform, so that it is made up of the various kinds of people.

Mr. THOMPSON. Now, referring to the industrial problems, Miss Nestor, in your position as an active leader in the labor movement, have you studied the conditions of the workers generally, more or less, or given attention to it?

Miss NESTOR. I have had an opportunity to observe it more or less.

Mr. THOMPSON. Do you believe that there is unrest among the workers?

Miss NESTOR. Yes; I do.

Mr. THOMPSON. As such?

Miss NESTOR. Yes; I do.

Mr. THOMPSON. What, in your opinion, is the cause and what remedy could you suggest, or would you suggest, within the scope of the authority of this commission?

Miss NESTOR. Well, I believe the main cause is where the workers have nothing to say in regard to the conditions under which they have to work, the wages they are working for, and the hours of labor. Whether it is in Government, or no matter where it is, where the people have not got a right to voice their demands, I think you will find dissatisfaction. I think you will find an unrest there. And what we want to bring about is—what we feel is the thing that will bring about doing away with this unrest in the workshop and elsewhere, is to let the people have something to say about the conditions under which they are going to work, which, of course, really means working under trade agreements.

Mr. THOMPSON. Under collective bargaining?

Miss NESTOR. Under collective bargaining.

Mr. THOMPSON. In your opinion does that necessitate the organization of the workers into unions of some form or another?

Miss NESTOR. It does. I do not believe that you can reach this problem as it should be reached without the organization of the workers. They are the ones, and they are the only ones, who can solve their own problems. No one else can solve your problem. You have got to meet with your employer. You are the only one who knows the conditions in the shop. I believe more in conciliation than I do in arbitration. I believe, of course, in resorting to arbitration; but I think by the people involved, the workers and the employers getting together, that they will be more likely to adjust the conditions to the satisfaction of both than they will by having an outsider come in. I know—I can cite from my own experience—in my trade we have had agreements with a number of the glove manufacturers in Chicago for the last 12 years. During that time all of our agreements have provided for arbitration in any disputes rather than resorting to a strike during the term of an agreement; and in no instance during that time, which is quite a long time, have we resorted to arbitration. We have always gotten together as both sides, and always said we knew more about it than an outsider; we don't have to have them come in and tell us where we are wrong.

Mr. THOMPSON. What would you say, Miss Nestor, with reference to the organization of unions, so that democracy might prevail in that, too?

Miss NESTOR. Well, I believe that we ought to have—I think the ideal organization is where democracy is, where democracy does exist. I think that in order to have the people satisfied, entirely satisfied, even in an organization, you have got to have democracy. They have got to have a voice in all the affairs of that organization. I think that——

Mr. THOMPSON. Do you believe that industrial trouble has come in some instances because of the fact that the workers themselves, members of the union, did not have an adequate voice in that management?

Miss NESTOR. Well, I do not know of any. In some instances—I think most organizations, the unions—I am talking of the rank and file, they do that, determine the questions that affect our interests. For instance, in the matter of the strikes, a strike is not called unless the members individually have a vote on it, and that vote is always trying to safeguard the ballot, so that we can get a true expression. In the same way, I know when we are making agreements, we will not sign an agreement, no matter what little change is made in the original agreement, with the person that has been named by the organization, until it has been ratified by the organization. They are the ones that are going to determine whether it is something they can go back to work under, or whether they want that kind of an agreement. I think that most of the organizations have absolute democracy. Of course, there are exceptions, like in everything else.

Mr. THOMPSON. Well, have you known of any cases where single men have the power of calling strikes?

Miss NESTOR. Well, I have heard of cases.

Mr. THOMPSON. You have heard it.

Miss NESTOR, But I don't know.

Mr. THOMPSON. You have heard of it?

Miss NESTOR. Yes.

Mr. THOMPSON. What effect do you think that would have on the organization itself?

Miss NESTOR. Well, it may not have any particular effect, and it may. As an officer, I would not want to have that power intrusted to me. I would not want to take that responsibility.

Mr. THOMPSON. You think it would be a good thing for the organization?

Miss NESTOR. I think the more of that power that we invest in the rank and file the safer it is for everybody.

Mr. THOMPSON. You think, then, it is a great power to place in one man's hands?

Miss NESTOR. Well, I think it is too much of a power; I would not want it.

Mr. THOMPSON. In what industries——

Miss NESTOR. At my own beck and call.

Mr. THOMPSON. In what industries around Chicago that you are familiar with are the conditions of the women workers good, and in what other industries are they bad, and what are the reasons, if you can tell them?

Miss NESTOR. Well, for instance, I think the straw and felt hat workers have very good prices, and the bindery and the shoe workers and the suspender workers; I think in all we have about 22 trades in which the women are organized, and in all those trades there are fairly good conditions, and, of course, conditions are improving all the time. Some of them have not been organized very great lengths of time, but comparing them with the unorganized trades I think there is considerable difference. You take a trade, particularly a factory, and other trades where there has never been an organization, and you will find the wages are very low, and you will find there a younger and new group always coming in. There will be one group work perhaps a considerable length of time and then they will become disgusted with the conditions and go out and a new group comes in all the time. I think where we have got the better conditions as we have in the organized shops, you are more likely to keep your good, experienced workers, at least while they are in the trade. There is not the shifting and changing all the time as in the other trades.

Mr. THOMPSON. What opinion have you with reference to a Government regulation, either State or National, of the employment of women?

Miss NESTOR. Well, I think there is certain legislation we ought to have. Of course, we feel very strongly about the limitation of hours. I think we ought to have an eight-hour day, and I believe in the minimum-wage bill. We fought for that in the last session of the legislature. Those are the two particular things, the laws we are working for at the present time. Of course, there are a great many improvements that can be brought about, but even when you have legislation you have to have an organization so that you can get those properly enforced. Why, we found, and I think there are a great many organizations through their investigations this year found, the girls, even though they wouldn't perhaps have the courage to come out and say that the employer violated the law, but that meant dismissal and perhaps self-blacklisting. We have had girls in the city here in certain trades that have been dismissed simply because they went in and testified to working overtime, or whatever the violation was of the law.

Mr. THOMPSON. Referring for the moment to the question of the condition of organized and unorganized trades, have you any data or statistics you can offer with reference to the conditions and wages in each of these?

Miss NESTOR. I think I can furnish you with some—furnish the commission.

Mr. THOMPSON. Will you furnish the commission with such data as you have in that respect?

Miss NESTOR. Yes; as much as we can possibly get. There are certain trades, the box industry and the candy industry; all of us know the wages there are very low. Wherever piecework exists and no organizations, it means the wages are always going down, because the system itself brings about that condition in price.

(The witness subsequently submitted a pamphlet entitled "Clerks! Do you want the Saturday half holiday?" etc.; a handbill reading "There are 125,000 working women in Chicago," etc.; a pamphlet entitled "Training School for Women Organizers of the National Women's Trade Union League of America, Preliminary Report, 1914;" and two booklets, which were, respectively, the programs of the conventions of the National Women's Trade Union League at Chicago, September 27–October 2, 1909, and at Boston, June 12–17, 1911; all of which were in printed form.)

Mr. THOMPSON. Have you ever considered the question of a union among domestic employees?

Miss NESTOR. Yes, sir.

Mr. THOMPSON. What are your opinions about it?

Miss NESTOR. Why, I think they ought to have one. I think, that their hours ought to be standardized. I think that work ought to be standardized, just like any other work is standardized. We know that they work irregular, long hours. We know that they have all sorts of conditions to contend with that they hadn't ought to, and they will never be able to do anything unless they have, and until they have an organization.

Mr. THOMPSON. Have you ever attempted to develop an organization in that?

Miss NESTOR. Yes; we have. We have got one under way. Mr. Chairman, I would like to say in the matter of legislation, just so that your commission will know that no matter what we attempt to do to change and improve conditions, we meet opposition. Now, it is not only when we attempt to legislate about it that there is opposition. When we try to organize we always meet with opposition, or at least, we always have. And then when we try to get those things, reduction in hours, minimum-wage scale, or whatever it is, by legislation, we met the same opposition.

Commissioner O'CONNELL. What is that opposition? Just give us that.

Miss NESTOR. They are the employers' association.

Commissioner O'CONNELL. Now, to develop a little, who are they?

Miss NESTOR. Well, in Chicago, for instance, we have the retail merchants' association. We tried last year to organize the clerks into a trade-union. We found opposition there. We tried to get legislation which would reduce the hours in the stores, especially in the outlying districts, and the merchants came down in big numbers opposing our bill. They said that sort of legislation would put them out of business; they could not compete with the down-town stores, and all of that. They were successful in defeating it. After it was defeated we said, "All right, if we can't get it by legislation, we will get it by organization." We began calling meetings, and had some very successful meetings, and as soon as the merchants out there found out our meetings were well attended and it looked as if through organization we would get these things, they on their own part closed the stores one evening a week, which was admitting the very thing that they denied within a few weeks of that time.

The legislature adjourned in June, and it was at that time they were opposing our legislation. And late in June they announced that in July they would close one night a week, and they put into effect the hours we were asking for by legislation. They did that of course to offset the organization.

Mr. THOMPSON. Is there any other matter, Miss Nestor, that you would like to speak about to this commission in connection with the industrial problems?

Miss NESTOR. Well, the thing in particular of course is that I feel that until we have organization we are not going to solve this question, and that the thing that brings it about, unrest, the thing that brings about trouble, such grievances and dissatisfaction that exist among the workers that have no way of voicing their grievances, until we have that, I think we are going to have unrest; and until we have the employer educated up to the fact he must deal with his people. You know you can get an agreement; perhaps you have a strike, and the employer thinks he can't get anyone to take their place, and he has to go in and signs an agreement. But you don't really get recognition of the union there, you perhaps don't get it for two years. You don't get it until there is a change comes about within that man, until he comes to see that after all he ought to deal with the organization. And I think that some of our employers that have been dealing with organizations have found that it was after all just as well to have a way of finding out what was wrong in that factory. They are a long ways from the shop, sitting down in their offices, they don't know what is going on up there. There is the foreman and there is all sorts of assistants between them and the workers, and very often if you can get to them and let them know the existence of grievances they could be adjusted, and it is necessary to have a way to really get to them.

Mr. THOMPSON. Do you think, Miss Nestor, a Federal industrial council, with powers of investigation, etc., would help in this question?

Miss NESTOR. Yes; I think it would.

Mr. THOMPSON. Particularly in cases like the cases in Michigan and Colorado and West Virginia.

Miss NESTOR. I think it is always well; I think if they could do nothing more than in the case of dispute, or in case of strikes, or in case of trouble, to bring the two parties together, really make them come into conference, and try to adjust it. I don't want compulsory arbitration, I don't believe in it. But I

believe if both sides could be brought together and made to meet each other and talk over their differences, it would go a long ways toward adjusting it very often.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Lennon would like to ask you a question or two.

Commissioner LENNON. Miss Nestor, in speaking favorably of the minimum wage for women and minors, do you desire to secure it by a statute of the legislature or through wage boards?

Miss NESTOR. Through wage boards. I don't believe in a flat rate, and I would very much dislike to see such a bill passed. I would like to see a law whereby there would be a minimum wage commission, and they would have the power to organize wage boards in the different trades, going into each trade separately and inquiring into the wages and conditions, and to have the workers represented on that wage board, have them select their own representatives for it, and have the employers represented on the other side, and the public, and in that way adjust their wage scales. I think it will only be a beginning anyway; I think the workers will finally have to settle the thing with the employers.

Commissioner LENNON. Now, in giving causes for social and industrial unrest, would you include as one of the causes, say, the inefficiency of workmen and work women because of lack of training as children in youth?

Miss NESTOR. I think that is one. It deprives them of opportunities, and I think the supposition of all this work of making people mere machines, putting them at one monotonous piece of work day in and day out, and the long hours—no matter what inventions we have, no matter how much the output is increased, through these inventions, we don't have any comparative reduction in hours as a result of it. We have to work just as long hours; the strain is very much greater, and the work is as we know very monotonous, and that can't help but create an unrest.

Commissioner LENNON. Do you consider the present educational system as ample for the proper training of boys and girls that are to go into industrial life?

Miss NESTOR. No. I think there ought to be arrangements made for the education of the workers for their industrial life just as there is for our professional men and all the other groups to-day. We have only made arrangements—our schools only lead to the colleges, where about 10 per cent of our group go, and we have got that other large group going out in the shop with no training at all. And I feel very strongly that we ought to have industrial education.

Commissioner LENNON. Do you believe that some such arrangement—I don't mean exact, but involving the principles that apply in the carpenter school—should be provided by the State for all the boys and girls that go into industrial life?

Miss NESTOR. I think for apprentices that is a very good plan, and I think for all our young girls and boys, especially our girls, whose trades don't require a long apprenticeship, we ought to have some training whereby they won't go into, as they do now, into all those blind-alley trades, go into the most convenient neighborhood trade, without the proper training.

Commissioner LENNON. Does the Women's Trade Union League favor the raising of the age at which children may enter industry to a higher age than it now is?

Miss NESTOR. We certainly do. I don't believe that any child—we ought to have a law whereby no child could go into industry before 16. I hope some time we will have it even higher than that, but that is what I believe it ought to be, 16 years at least.

Commissioner LENNON. What have you noticed as being the effect upon the morals of women, experience and membership in trade-unions?

Miss NESTOR. Their experience in trade-unions?

Commissioner LENNON. Yes; and membership in the trade-unions.

Miss NESTOR. Well, I think the education that the women receive in trade-unions, just the same as the men, is one of the best educations that they possibly could get. It gives them a wider feeling in regard to their relationship with their fellow workers. It gives them a new idea, I think, of democracy altogether, and in every way it is an education to the workers. I think it is—I think they feel their responsibility to their work more than the unorganized workers do. They know more about the work. Why, unorganized workers don't know anything about the industry they are in. You take an organized group of them and they meet with their employer to adjust grievances, and

they know the different angles; they know some of the perhaps unpleasant things there are in the trade. With the knowledge that they have there I think they are much better workers than they would be if they didn't know anything about the industry at all.

Commissioner LENNON. Is it your experience that where through organization women become more and more interested in their associates and in their welfare that they take greater interest in themselves and in their own welfare?

Miss NESTOR. In some trades we have seen a wonderful change. Especially you take some of the trades of our young immigrant girls that don't know anything about our standards, our wages, our hours, or perhaps haven't had an opportunity to mingle with other groups like some of our American girls have. It really means a new life for them. There has been a very marked change in some of those girls.

Commissioner LENNON. What effect do you believe unions have in what we might call Americanization of foreigners that come into this country?

Miss NESTOR. Well, it has that, and it is the melting pot both. It is a place that breaks down race prejudice and any other prejudice that exists, and we know it does exist in the unorganized shop, because so often one nationality has been used against another. The employer has tried to build up prejudice to simply use the one against the other. I think the trade-union movement has done more to break down that prejudice than any other movement.

Commissioner LENNON. What is the attitude of the Women's Trade Union League as to world peace—peace between nations?

Miss NESTOR. We are for peace.

Commissioner LENNON. That is all.

Chairman WALSH. Any questions? Commissioner Delano would like to ask you a question.

Commissioner DELANO. There are a great many students of this question—industrial question—as between the employer and employee, that feel that we are drifting to a condition where either the Government must supervise all large industrial undertakings or it will be driven to the other alternative of taking them over—Government ownership. What is your feeling on that subject?

Miss NESTOR. I don't know as I got all of your question.

Commissioner DELANO. I say one of two things is going to happen, either the Government will have to supervise all great industrial undertakings to a certain extent or else it will have to take them over by Government ownership, and operate them.

Miss NESTOR. You mean the industry or labor organization?

Commissioner DELANO. The industry.

Miss NESTOR. The industry. Well, I believe we ought to have public ownership of public utilities.

Commissioner DELANO. Of public utilities but not other utilities?

Miss NESTOR. Yes; some other utilities—some others.

Commissioner DELANO. That is all.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. Has your league made some study and investigation as to the conditions under which women are employed in the stores in Chicago?

Miss NESTOR. Yes; some.

Commissioner O'CONNELL. What are the conditions under which women are employed in the stores in Chicago, their hours and labor, and the conditions of employment?

Miss NESTOR. Well, up to the time of the passage of the women's 10-hour law, they worked almost any hours. Of course, the stores down town, with the exception of four or five of the large stores, they work overtime during the Christmas holidays—in fact, all the stores worked overtime any time in the year. The doors were not open, the curtains were drawn, and they might be fixing the stores and all of that, but, of course, since the 10-hour law passed they can't work more than 10 hours. But in the outlying districts the stores were at one time open four nights in the week, and then it was cut down to three nights, and that was when they had a temporary organization, and when the law was passed they had to reduce their hours during the day and arrange their shifts so as not to exceed 10 hours and now they work only two nights a week.

Commissioner O'CONNELL. What are the wages of the girls in the stores?

Miss NESTOR. Well, I understand a number of the stores raised the minimum wage and have fixed as a minimum $8 a week since last year. That was the time the senate committee went through and made an investigation in this State and called before it several of the different industries, and at that time there was quite an agitation about the wage, and as a result a great many of them, I believe, raised the wages—that is, raised the minimum. But, I believe, the others remain the same, although there are a number of stores that still pay less than that amount.

Commissioner O'CONNELL. There is no organization among store clerks at all?

Miss NESTOR. There is no organization among the store girls at all; they oppose the organization.

Commissioner O'CONNELL. Suppose a lady clerk is discharged for a real or imaginary cause for which she feels she has been unjustly discharged, what can she do toward having her grievance adjusted or heard, in one of the large stores in the city?

Miss NESTOR. She has no redress unless she tries to take it up individually. I think we all know that to try to do that in a large concern, especially of the size of the department stores, is quite a futile thing.

Commissioner O'CONNELL. You believe if a girl was discharged she would take it as final rather than go from one to the other on up, and believe she would leave?

Miss NESTOR. She would leave. If she sassed the floorwalker that would probably be the means of her dismissal, and certainly she would have to go and if she didn't go life would be very unpleasant for her anyhow.

Commissioner O'CONNELL. Have you an idea as to the number of female employees in the stores in Cook County, for instance?

Miss NESTOR. Well, I can't say just how many. Mr. Shedd could have told you very quickly that number.

Commissioner O'CONNELL. Do you suppose a hundred thousand?

Miss NESTOR. I could not say whether a hundred thousand. A great many thousand. There are several thousand in one store.

Commissioner O'CONNELL. Are there any systems of the proprietor or manager keeping a record of their employees and transferring the information contained in the records from one store to another?

Miss NESTOR. I have understood there was.

Commissioner O'CONNELL. If a girl, for instance, was discharged in one of the large stores for sassing the floorwalker, or something of that kind, and the employment card was marked in that store as being insubordinate, and she appeared at another store, that information would be furnished?

Miss NESTOR. I understand it is. I have heard that from the girls.

Commissioner O'CONNELL. Then, among the large number of girls employed in Chicago the opportunity of a young lady finding employment after being discharged by one store for some small offense would practically mean her discharge in all the avenues of employment in the city of Chicago?

Miss NESTOR. It should be—it might be—very likely would be.

Commissioner O'CONNELL. Used as a pure blacklist against her future employment, that would have a tendency of driving her into almost any walk of life, into immoral relations in life; poverty might compel her to seek an avenue of life——

Miss NESTOR. It is a pretty serious thing when anyone is blacklisted, of course. I can't say to what extent it is carried on, but I have understood that there are girls who have left one store and have found it very difficult to find employment in another. There are things in that regard we have never found out and perhaps can't find out.

Commissioner O'CONNELL. Wouldn't that condition of affairs be one of the large reasons of industrial unrest?

Miss NESTOR. I think anyone who is not treated fairly, it is that injustice that brings about unrest, whether a matter of employment or a matter of wages, or no matter what it is. If you see you have a grievance and have no way to adjust it, that is one of the things that brings about unrest. I know when our 10-hour law—our present bill—was before the State Legislature, one of the merchants from the northwest side got up and made a statement on the floor; he was trying to see whether the State Street merchants were for it, in order to prejudice the bill, because they didn't work more than 10 hours a day, and said it would drive them out of business. He says, "I know you are not fighting that, because they called us up and said, 'We want to know whether you are fighting the girls' union,' and they said, 'We are fighting the 10-hour

law, what are you doing?' They said, 'We are fighting the union at this time,'" Of course, there were girls discharged that had joined the union.

Commissioner O'CONNELL. That is all.

Chairman WALSH. How long have you been in the trades-union movement?

Miss NESTOR. Twelve years.

Chairman WALSH. What was your trade—glove maker, did you say?

Miss NESTOR. Glove maker.

Chairman WALSH. Was there organization in your craft prior to the time you joined the union, when you went into the industry?

Miss NESTOR. No, sir; there was not. I worked in it with and without organization.

Chairman WALSH. You worked in it with and without organization?

Miss NESTOR. Yes.

Chairman WALSH. Were you born in Chicago?

Miss NESTOR. No; born in Michigan.

Chairman WALSH. In Michigan. And to what extent did you advance in school before you went into industry?

Miss NESTOR. I went as high as the eighth grade. I didn't finish the eighth grade; I went that high.

Chairman WALSH. Have you had opportunity since then, in the way of regular schooling, night school, or anything of that kind?

Miss NESTOR. No, sir; never taken any.

Chairman WALSH. Whatever you have acquired since that time you have acquired in connection with your own work or the trades-union movement?

Miss NESTOR. I have done it really in the trade-union movement.

Chairman WALSH. Have you performed any services for the Government—I believe you have lately?

Miss NESTOR. I recently served on a Federal commission for the—to consider national aid for vocational education.

Chairman WALSH. For what length of time was that commission doing its work?

Miss NESTOR. We sat two months.

Chairman WALSH. How many persons on that commission?

Miss NESTOR. There were nine members—two United States representatives, two Congressmen, and five other members. In all, the commission was composed of nine members.

Chairman WALSH. Were you selected by your craft or by the President, or how?

Miss NESTOR. I was appointed by the President of the United States, but I believe I was indorsed by a great many members of my own craft.

Chairman WALSH. But there was no provision in the law that gave the craft any voice in it?

Miss NESTOR. No, sir.

Chairman WALSH. You were selected by the President himself?

Miss NESTOR. There were two women selected, and I was one.

Chairman WALSH. Who was the other woman?

Miss NESTOR. Miss Marshall.

Chairman WALSH. I want to ask you now to what extent has the movement to organize women in domestic service progressed in Chicago?

Miss NESTOR. Well, organization has been in existence a little over a year. We are making slow but sure progress. Of course, it is something that you have to make slow progress in, because you have got a group working in not one place; you have got to get to work on one person here and one there. They are a scattered group. Then they are leaving; some of our members are living in families, and perhaps they pick up and go abroad or go to their summer homes. One time of the year we have got one group and another time another. Then, of course, it is a more difficult group to organize, of course, than the factory or some place where we have them all together.

Chairman WALSH. Is the Woman's Trade Union giving effort to the work?

Miss NESTOR. They are. We have an organizer who has that in charge.

Chairman WALSH. Who is your organizer?

Miss NESTOR. Mary Anderson.

Chairman WALSH. Is she a woman who was in the trade herself—a girl who was in the business?

Miss NESTOR. She was a shoe worker. We have one organizer, and she has to work with various trades. Sometimes she might be one part and another time another part. We can not have——

Chairman WALSH. Has the effort of organization reached the stage at which demands have been formulated?

Miss NESTOR. They have drawn up their demands with the domestic workers.

Chairman WALSH. Are they in writing?

Miss NESTOR. We have them in printed form.

Chairman WALSH. Will you be kind enough to submit them to the commission?

Miss NESTOR. I will be very glad to. There are some places in Chicago where they are in effect.

(A handbill enumerating the demands of the Household Workers' Association was later submitted in printed form.)

Chairman WALSH. What are those places they are in effect? State them briefly, if you can sketch it.

Miss NESTOR. Just a few women who are interested in this thing have been glad to work them out in their own homes.

Chairman WALSH. They are women connected with the Women's Trade Union League that are not actively engaged in industry, do I understand?

Miss NESTOR. That are not engaged.

Chairman WALSH. That are not engaged actually in industry themselves. Is that a fact?

Miss NESTOR. Yes; those are the ones; yes. We have women in the league who are not engaged in the industry. We have various groups of people in our league.

Chairman WALSH. And they are women that you would not say had any special personal financial interest in the work you are trying to do?

Miss NESTOR. Except that they are interested from the human point.

Chairman WALSH. From the human standpoint?

Miss NESTOR. Yes; the real standpoint.

Chairman WALSH. Do those people give you assistance in your legislation?

Miss NESTOR. Yes.

Chairman WALSH. Leaving aside for the moment organizations of employers, are there employers who assist you in attempting to have those laws passed?

Miss NESTOR. No; I am sorry to say that we have not had any employers that have come right out and helped us to get legislation. We have had some of them, employers who have been favorable to us, that they have helped to this extent: They would try to get the support of their members on it. We had at one session a number of employers who wrote letters. But the ones who go to Springfield to voice either their protest or otherwise are employers representing the associations, and the individual employers who go are usually the employers who are opposing the legislation.

Chairman WALSH. Are these women who are associated with you who are not workers themselves in any instance the wives of men that are engaged in industries, large and small, that employ women help?

Miss NESTOR. Yes; we have some.

Chairman WALSH. How many are there in the organization of the Women's Trade Union League in Chicago?

Miss NESTOR. Well, we have, you see, two memberships. We have an affiliated membership and we have now about 600. We have an affiliated membership of several thousand, because we have different unions of women affiliated with us. We have women's clubs and some other organizations, sort of auxiliary bodies.

Chairman WALSH. The union workers are permitted to join the affiliated union, are they?

Miss NESTOR. No; they can not join a union unless they have a union of their trade. They join the league.

Chairman WALSH. Have you a publication in this city?

Miss NESTOR. Yes; we have a national publication.

Chairman WALSH. Who is the editor of it?

Miss NESTOR. Alice Henry. Life and Labor is the name of it.

Chairman WALSH. Have you an organization which has for its purpose the education of young women in this work that are in industry?

Miss NESTOR. Well, through our national league, we have got a school for the education of those workers to try to help in making them more efficient to carry on their work of organization.

Chairman WALSH. Is the instruction strictly within technical lines of trade-unionism?

Miss NESTOR. Well, they are learning all about organizing the union; they are learning about the history of trade-unionism. We want them to have the

whole background. We want to give them actual field work and do give them actual field work and let them go out without organizers, and we try to have them in some of the conferences so that they will know really what a trade organization is; we give them all the experience that will be beneficial to them in their work for organization.

Chairman WALSH. Is it successful?

Miss NESTOR. It has been successful so far; yes, sir. Of course, it has really only started last year, so we have not had——

Chairman WALSH. I understood you to say that the employers' association which opposed this legislation were represented by counsel?

Miss NESTOR. They are. That is the only way they are ever there, is their counsel.

Chairman WALSH. Do your organizations have representation by counsel?

Miss NESTOR. No.

Chairman WALSH. You go direct to these people that are attempting to help you, lay people usually, women outside of organized labor, and yourselves?

Miss NESTOR. The only ones we have working on our legislative work is the trade workers themselves.

Chairman WALSH. Have you found that the lawyers present this opposition with more vigor and feeling than the person actually involved usually shows—the client?

Miss NESTOR. No; I do not think they make the impression, because they are asked questions, and they don't know anything about the details of the business. They will always put it off and say, "I don't know anything about it; I am just counsel for the whole association." Then they will ask them about the hours, and they will say, "I don't know the hours, because I have—I am just attorney for the entire association." And, of course, the workers themselves know all about the hours of work of the various trades, and that is included in our bill. We do try to print such literature as we can regarding it, but the regulation is carried out in other States and the hours of work in the various industries.

Chairman WALSH. Do you not find that the employment of these lawyers by these employers' associations is a source of irritation to the workers?

Miss NESTOR. Well, I know they have irritated some of our Springfield legislators at times. Those are the only ones I have had any experience with, of course.

Chairman WALSH. What was the number of hours submitted in the proposed legislation—the last proposed legislation by women?

Miss NESTOR. The bill introduced was an 8-hour bill. The bill in the subcommittee was a 54-hour bill. That was reported out. That was the bill that we stood for. But it was when that bill was before the house—the 54-hour bill; that is practically the eight hour—one of the senators told us that they were fighting anything, it didn't make any difference. They said that they were just as much opposed to that as they were to the 60-hour law. They did not want any change in the law.

Chairman WALSH. Did you find that the press gave you what you considered to be fair publicity in your efforts to bring about this legislation?

Miss NESTOR. The press was very fair with us—very.

Chairman WALSH. Now, then, as to the industrial disputes that have resulted in strikes, have there been any other in which women were involved except the waitresses in Chicago within the past year or two?

Miss NESTOR. Well, I can't say within the past year or two. Of course we had a great garment workers' strike, which everybody remembers, here a few years ago. Then we have had——

Chairman WALSH. Well, confine it if you will, to, say, the past two years.

Miss NESTOR. Well, we have had some smaller strikes. I know there was a strike of the straw and felt hat workers just last year. Of course that lasted only a few days. But we have had other very small strikes, but none that have taken on the proportions that the waitresses have.

Chairman WALSH. Were there arrests made in those strikes?

Miss NESTOR. I might say we had a strike in our organization last year. It was a small shop, and it was a strike in which we had similar experiences that the waitresses have had. It was a glove factory out on the west side, and we had arrests occurring; in fact, as I have heard violence discussed at these hearings, and the violence, I might say in that instance, was on the part of the employer. In fact, the information we got was that people were employed and paid for beating up our strikers, and the fellow that we had

in charge of the strike was a very able and a very level-headed fellow, and what they wanted to do was to get him in trouble. And there was a price of $50 put up to the man that beat him up. And the way we found out was that one of the fellows that really wasn't beating people at all, only he wanted the money, and he didn't want to beat up the man. He told him about it, "We are getting $10 for beating up your strikers and will get $50 to beat you up." He said, "I wish you would come down here with your head tied up and look very bad about it, because I want the money and I don't want to beat you up." He didn't do it. Our men were arrested without any warrants at all. We happened to have and we did get fairness in the court up in that neighborhood, but we did not get fairness at the hands of the police.

Chairman WALSH. I was going to ask you for your experience, and if the police treated you fairly.

Miss NESTOR. They did not. And when we wanted to have a meeting, an open-air meeting, in the neighborhood, which would be away from traffic—they say you can't blockade the traffic—away off on the prairie, where we would not disturb anyone, we were refused, and we had to—I can say that we had to take it to the chief of police to get permission. It was not Mr. Gleason, who is chief now, because Mr. Gleason was captain of the station where all this—where we were getting all this unfair dealing.

Chairman WALSH. Did you secure the permission?

Miss NESTOR. We secured the permission. Mr. Gleason was very much opposed to us having the meeting, and when we did have it he had a whole array of police surrounding the platform where our speakers stood to address the meeting. I know; I presided at that meeting; and you would think that we were a most lawless, the most lawless characters, if you had seen the number of police around there and detectives. It seemed to some as if they were trying to incite violence and wrath, but they didn't succeed in it.

Chairman WALSH. But it caused irritation, however?

Miss NESTOR. It did cause very much irritation.

Chairman WALSH. You say the courts in that particular situation treated you fairly?

Miss NESTOR. They did.

Chairman WALSH. It was a local magistrate?

Miss NESTOR. No; it was the municipal judge.

Chairman WALSH. And you were tried directly before the judge without the intervention of a jury there?

Miss NESTOR. Well, we could have a jury if we wanted to, and we could waive. In some cases we took a jury trial, and in some cases we waived it.

Chairman WALSH. You feel you were treated fairly in both instances?

Miss NESTOR. Absolutely fairly in both instances.

Chairman WALSH. As to the waitresses' strike, what has been the attitude of the police toward them, in your opinion; fair or unfair?

Miss NESTOR. Unfair.

Chairman WALSH. In what respect; briefly?

Miss NESTOR. Well, in the unjust arrests. Why, there the judges have ruled that they can do this peaceful picketing. Why, it was only yesterday, or the day before yesterday, I don't know which day, that I passed there, and there was another girl with me, and we said, "Why, everything is very quiet," and the girl was walking up and down; she wasn't speaking to anybody. In fact, she was walking up and down alone, and after we had got down I guess two or three doors we heard the patrol coming, and we said, "I bet that is for that waitress." And we turned around and we just got up to the corner, and they were putting her into the wagon. Now, that is occurring all the time, and it is simply to take them off from the picket line and put them to all the trouble they can put them to. Of course, you know one of the ways that the employers try to defeat us in a strike is to tie up our money in court fees and lawyers' fees, and all that, and the more they can get us in jail and the more they can inconvenience us, they think, too, it will break the spirit of the girls. It does not usually do that. It usually has the opposite effect, it makes them all the more determined.

Chairman WALSH. Have the waitresses counsel, regular counsel employed during this strike?

Miss NESTOR. Yes; they have.

Chairman WALSH. Now, prior to the issuing of this last injunction order, what was the practice with respect to picketing?

Miss NESTOR. They have been doing this, as far as I can learn and know; that is, the Knab strike, silent picketing; they have been walking up and down without saying anything to anybody. They have a sign on them saying, as Miss Maloney said the other day, "With your assistance we can win our strike."

Chairman WALSH. Previous to the issuance of this injunction in that waitresses' strike, did the workers claim the right and have the right to suggest to persons that they should not patronize the place, orally?

Miss NESTOR. In the Henrici strike they did, they told them there was a strike on, and I think all they said was, "Don't eat under police protection; there is a strike on."

Chairman WALSH. And so the change has been that there is no personal solicitation on the part of the pickets?

Miss NESTOR. None at all.

Chairman WALSH. Now, generally speaking, have these young women that have been arrested been fairly treated by the courts?

Miss NESTOR. I don't believe they have—well, by the courts when they finally got up to them, but it takes forever to get your case to trial. They would waive, of course, the trial and say they wanted a trial by jury, and they would keep putting it off and putting it off—the cases—and the girls would be going there for their cases and they would be postponed.

Chairman WALSH. How great a delay?

Miss NESTOR. The great injustice, I think, was against the police department.

Chairman WALSH. How great a delay; what is the greatest delay that you know of that has occurred between the arrest and the trial?

Miss NESTOR. I think a number of weeks.

Chairman WALSH. Where the defendant insisted upon a trial?

Miss NESTER. Well, I think a number of weeks, I could not say definitely on that; I would not want to give information that was not absolutely correct, but I think several weeks.

Chairman WALSH. What has been the policy of the defendants with reference to seeking, or not seeking, early trials of these cases?

Miss NESTOR. I think they were very anxious to have trial in the early days, because they wanted to have some cases to go up as a test case, and as clearly as I can remember, they had a difficult time getting a trial.

Chairman WALSH. How many of these waitresses have been tried within the last month?

Miss NESTOR. Well, there were hundreds arrested, I am sure, in the Henrici case. I don't know during this strike how many arrests they have had, but it was a large number.

Chairman WALSH. You are not familiar with the arrests?

Miss NESTOR. I am not. They have been arresting so fast I can't keep track.

Chairman WALSH. When juries were demanded——

Miss NESTOR. They have all been found not guilty.

Chairman WALSH. Were the juries fairly democratic in their composition?

Miss NESTOR. I think they were.

Chairman WALSH. With reference to the classes, with reference to business men, and such like?

Miss NESTOR. I think they were; I can't say positively about that, but I think they were; I think they were fairly picked.

Chairman WALSH. So, outside of the local injustices on the part of the police officers, you would think that the courts have held up fairly well under the strain of administering justice?

Miss NESTOR. Well, in our local courts, because you can get a jury trial, and that means that you have an opportunity to get justice.

Chairman WALSH. Well, the girls have been acquitted?

Miss NESTOR. Yes.

Chairman WALSH. In all instances?

Miss NESTOR. I think the big abuse here in connection with our courts and all that is the terrible police situation, the unjust arrests, the constant unjust arrests, and in some instances, and in a number of instances, they have allowed them to be arrested without warrants, which is absolutely against the law, as I understand it.

Chairman WALSH. Without individualizing, are there certain police officials that are believed by the workers to be inimical to them?

Miss NESTOR. Yes; they are.

Chairman WALSH. And have they or have they not progressed in the department?

Miss NESTOR. In the police department?

Chairman WALSH. In the police department, have those that were inimical, have you any observation on that; that is, that they were treated better or treated worse by their superiors?

Miss NESTOR. Well, that I could not say.

Chairman WALSH. Very good.

Miss NESTOR. Of course, I put the blame on the head. I think that they get their orders from higher up, and whatever he says, they are going to do. I think a great many of the police perhaps like to use their own will about things, but there are others who simply do it because they get their orders from higher up, and as long as the chief of police will tolerate that we are going to have it.

Chairman WALSH. That is all. Thank you, Miss Nestor.

Mr. THOMPSON. About how much bail was given by the waitresses in the Henrici strike; what was the total of it, do you know?

Miss NESTOR. I think Miss Maloney mentioned it the other day. In some instances they have even had to give cash bonds, they had to put up cash bonds, and they got the bail so high, I think they had it $500 as a minimum.

Mr. THOMPSON. Did it run over $100,000, if you know?

Miss NESTOR. Oh, it must have gone up to that, anyhow. I know it was enormous.

Mr. THOMPSON. Referring to the question of the unrest especially, Miss Nestor, if under a collective-bargaining agreement you could get the conditions you wanted in an open shop, what would be then the advantage of a closed shop?

Miss NESTOR. Well, I don't like to talk about closed shops, because I call it the union shop. I don't think we have any closed shops.

Mr. THOMPSON. Well, talk about a union shop, then, Miss Nestor.

Miss NESTOR. I don't believe you can have harmony where two kinds of people are working in the shop. You can't mix oil and water. And if you are going to have union and nonunion people mixing together, you are quite likely to have discord in the shop. And if you want real harmony, you have got to have all of one; you have got to have all union people. And then, too, if an organization makes an agreement, it is difficult to make it unless you are certain that you are going to make it really for all the people in that industry, and if they are not members of the union, you can't make an agreement for them, because you have no authority over them. You only have authority over those people who are your members, and know that they will live up to their trade agreement.

Chairman WALSH. That is all. Thank you, Miss Nestor.

Call your next.

Mr. THOMPSON. Miss Abbott.

TESTIMONY OF MISS GRACE ABBOTT.

Mr. THOMPSON. Miss Abbott, will you give us your name?

Miss ABBOTT. Grace Abbott.

Mr. THOMPSON. Your business address?

Miss ABBOTT. 920 South Michigan Avenue.

Mr. THOMPSON. What position do you now occupy?

Miss ABBOTT. Director of the Immigrants' Protective League.

Mr. THOMPSON. How long have you been that director?

Miss ABBOTT. For about six years.

Mr. THOMPSON. Six years. What is the Immigrants' Protective League?

Miss ABBOTT. It is a private organization maintained for the purpose of protecting immigrants against exploitation; for putting them in touch with the various civic and social forces in the community; and for rendering, so to speak, a sort of first aid to those who find difficulty in connection with their relations to American conditions.

Mr. THOMPSON. What is the extent of the organization of the Immigrants' Protective League? Is it local to Chicago?

Miss ABBOTT. Local.

Mr. THOMPSON. Is it local to Chicago?

Miss ABBOTT. Local.

Mr. THOMPSON. And its board is composed of Chicago people?

Miss ABBOTT. Chicago people.

Mr. THOMPSON. Practically solely?

Miss ABBOTT. No, sir; there are a few outside ones; but practically solely Chicago people.

Mr. THOMPSON. Has your organization any affiliation or reciprocal relations with other similar organizations elsewhere?

Miss ABBOTT. None, except we cooperate with them, just as we cooperate with other organizations here in Chicago that we have no official connection with.

Mr. THOMPSON. Have you a written or printed by-laws or constitution?

Miss ABBOTT. We have not printed by-laws, but I would be glad to furnish the commission with a written copy, if they desire.

Mr. THOMPSON. Have you any other literature of your organization?

Miss ABBOTT. Yes, sir; we have various reports and investigations; I would be glad to furnish those also.

Mr. THOMPSON. Would you be willing to furnish them to the commission?

Miss ABBOTT. Yes; I would be glad.

(Documents, entitled "League for the Protection of Immigrants," annual report, 1909–10; "Fourth Annual Report of the Immigrants' Protective League," for year ending January 1, 1913; "Fifth Annual Report of the Immigrants' Protective League," for year ending January 1, 1914; "The American Journal of Sociology," No. 3, Vol. XIV, November, 1908; "The Bulgarian—A New Element in Chicago's Immigration Problem," by Grace Abbott, published by charities publication committee, New York; "A Study of the Greeks in Chicago," by Grace Abbott, were submitted in printed form.)

Mr. THOMPSON. We would be glad to have them, if you will. What, in your opinion, is the effect of immigration on the general industrial situation with reference to wages, standards of living, and labor organizations?

Miss ABBOTT. The presence of the immigrant, of course, who is the weakest industrial unit in the community, because of his ignorance of English and because of the fact that he is ignorant of English that he must serve in the unskilled ranks, always means that we have an unskilled group here that is especially weak, weaker than any one group in any country, and they are therefore much more in need of protection through social legislation of all kinds and sorts, because of the complex conditions. I don't believe that the coming of the immigrant is responsible for industrial conditions, for low wages or bad conditions, because I don't believe that the old theory, that wages and industrial conditions are governed solely by supply and demand, can at all be borne out by facts. Supply and demand have some influence on wages, but that theory has been generally exploded, about in the way in which the wage-fund theory was exploded a generation ago, or a hundred years ago.

Mr. THOMPSON. You might generally state, Miss Abbott, what you have to say on the subject of immigration and the industrial question.

Miss ABBOTT. I should like to make the point very much that the immigrant is in need of a certain kind of protection through legislation—that is, more than any other he needs regulation—because it is impossible for him to bargain in the matter of hours. The immigrant women need the protection of a minimum wage, because they never really do bargain in the matter of the wages for which they work; and they need all the other kinds of devices which will insure them better working conditions. I feel very strongly that we are in need of the development of a national labor exchange which will perform for the immigrant services which they have had to rely upon in the private employment agencies, who have been a source of exploitation and confusion and disorganization of the communities into which they have been sent, where work was not wanted and where they were losers, so that nobody profited except the private employment agent. I think that we should have then a very large development of an American labor exchange, but not in that law to undertake to distribute immediately on arrival, but to redistribute after they have come to their relatives and friends, because the great majority of those that come are coming directly to relatives and friends already here, but only to connect with them and to distribute them out afterwards.

Mr. THOMPSON. What effect, Miss Abbott, do you think that the immigrant has on general industrial unrest and on the industrial problem as it affects others?

Miss ABBOTT. Well, I think the immigrant in the community complicates the industrial situation, because the racial prejudice is not confined to any one class or group; it exists throughout them all. And the complication of having a number of different races in a single industry will lead to confusion and difficulty. It complicates it; it does not make it. And there is no doubt that

there is confusion of that sort arising out of the racial conditions and feelings and languages.

Mr. THOMPSON. Is there anything else you would like to say with reference to the immigrant problem and the industrial problem as to the manner in which they affect each other?

Miss ABBOTT. Well, I should like very much to—I believe, of course, in organization of the working people. I believe very decidedly in organization which will include the unskilled group. I feel, of course, that for the proper accomplishment of that we have got to have organization of the industry instead of the industry of the class, and that when we get in those groups that it will go better. I think some of the most brilliant leadership in the trade-unions has come from the recent groups, and I think we are going to feel that very generally in the labor movement, and that one is dependent upon the other for its ultimate solution.

Mr. THOMPSON. Would you supplement a minimum wage law by some method of State vocational training so as to bring up the capacity of the worker to the wage standard?

Miss ABBOTT. The problem of vocational training is a very difficult one. I think very little is possible. With the younger immigrant it is about the same as with the American group—that is, that there is no difference in the situation.

Mr. THOMPSON. What, in your opinion, could this commission do to help it in solving the immigrant problem?

Miss ABBOTT. I should recommend protective legislation from the time of their arrival so that it could prevent exploitation; recommend the establishment of a national labor exchange; recommend such a commission as can investigate any causes of industrial uprising—where very often the immigrant is concerned, it is more like a peasant revolt rather than organized workers—where, therefore, the conditions are extremely difficult to get at, need the most patient sort of searching, because their demands are not formulated such as they are formulated where they are organized. They should investigate and determine what is at the root of the difficulty.

Mr. THOMPSON. Would you think a national industrial council with powers of investigation could meet that situation?

Miss ABBOTT. Well, I have no feeling about the name—"the National Industrial Council."

Mr. THOMPSON. One who would also take not only the immigrant but take up the general industry.

Miss ABBOTT. I do not think the immigrant should be taken up separately. I think it should be taken up as a part of the whole industrial situation which is a part. To isolate him will seem to be a hardship to the people with whom he comes in competition.

Mr. THOMPSON. Do you think that the existence of the immigrant in large numbers affects seriously the industrial situation and causes industrial unrest or at least contributes to cause it?

Miss ABBOTT. No; I think the immigrant, of course, is a part of the unrest; he is most restless in industrial conditions, very decidedly at times.

Mr. THOMPSON. That is all.

Chairman WALSH. Any questions? That is all. Thank you, Miss Abbott.

TESTIMONY OF MR. JOHN B. HIBBARD.

Mr. THOMPSON. Will you give your name?

Mr. HIBBARD. John B. Hibbard.

Mr. THOMPSON. And your address and business?

Mr. HIBBARD. 1021 People's Gas Building, Chicago; commissioner, National Metal Trades Association.

Mr. THOMPSON. And your occupation, Mr. Hibbard?

Mr. HIBBARD. Commissioner, National Metal Trades Association.

Mr. THOMPSON. What is the National Metal Trades Association?

Mr. HIBBARD. It is a voluntary association of about 700 employers of machinists and polishers, pattern makers—the ordinary run of machine-shop help.

Mr. THOMPSON. Of course the word "National" means national?

Mr. HIBBARD. Yes, sir.

Mr. THOMPSON. What is the position of commissioner of the National Metal Trades Association?

Mr. HIBBARD. Well, he is the executive officer acting under a council composed of a number of individual members of these concerns of which the council is the controlling body.

Mr. THOMPSON. Is the chief executive an officer of the association?

Mr. HIBBARD. Well, there is a president. There are the ordinary run of executive officers of the association. You might illustrate it by superintendent, or commissioner is the name, the term.

Mr. THOMPSON. The commissioner is the one who is in active charge of a growing business?

Mr. HIBBARD. Yes, sir.

Mr. THOMPSON. Tell us, Mr. Hibbard, more definitely the character or terms that compose this association and the business they carry on?

Mr. HIBBARD. Well, it is a very wide distribution in locality and in character. The western boundaries of the membership would be St. Louis and St. Paul, and from there to the coast, and the Gulf. It is a very diversified membership—automobiles, anchors and chains, and motor cycles, machine tools; almost anything that is made in the ordinary machine shop.

Mr. THOMPSON. What is the purpose of the organization?

Mr. HIBBARD. The purpose, the preliminary purpose, or the reason for its existence, in the first instance, was undoubtedly mutual protection.

Mr. THOMPSON. Against what?

Mr. HIBBARD. Against—in labor disputes. The individual manufacturer could not. I could read the objects of the association. They are in two paragraphs. Or I can submit those.

Chairman WALSH. They are very short, are they not?

Mr. HIBBARD. Yes.

Chairman WALSH. Please read them.

Mr. HIBBARD (reading):

"To secure and reserve equitable conditions in the workshops of members for the protection of both employer and employee.

"2. Investigation and adjustment of questions arising between members and their employees which may come within the jurisdiction of the association."

Mr. THOMPSON. Is that a copy of your constitution and by-laws?

Mr. HIBBARD. Yes.

Mr. THOMPSON. Have you any objection to giving that to the commission?

Mr. HIBBARD. No, sir.

(The paper so presented was marked "Exhibit No. 1, Witness Hibbard, July 24, 1914."

Hibbard Exhibit No. 1, pamphlet entitled "National Metal Trades Association—Constitution, By-Laws, and Declaration of Principles," adopted June 18, 1901, was submitted in printed form.)

Mr. THOMPSON. Is your organization affiliated with other organizations?

Mr. HIBBARD. No, sir; not directly. It is an independent organization. We are part of no other organization.

Mr. THOMPSON. Have you any close mutual relations with other organizations?

Mr. HIBBARD. Yes, sir. As we operate in the same field with the Master Founders' Association, our membership is very much the same, and even the officers of one association have at times been officers of the other.

Mr. THOMPSON. And often their annual meetings or conventions are held at the same place and same time, are they not, or nearly so?

Mr. HIBBARD. No, sir; they may have been in the past at some time, but I don't recall it having been so now. They are at different times.

Mr. THOMPSON. Were the meetings of these two associations or certain portions of them held at the same time this year in Worcester, Mass.?

Mr. HIBBARD. That was our convention; the Master Founders' Association held its convention in New York, just on what date I can't now say.

Mr. THOMPSON. While the Employers' Association, as such, has not the same parent association that the unions have with the International Federation of Labor, still, as a matter of fact, they work more or less together, do they not?

Mr. HIBBARD. I should say yes, although there is no organization effort of that kind. They might unite on a certain particular thing, but that would be only by mutual consent of all the different associations.

Mr. THOMPSON. The reason for acting together under such conditions is because of their mutual interest?

Mr. HIBBARD. Undoubtedly.

Mr. THOMPSON. They have the same mutuality that labor organizations have and associate together?

Mr. HIBBARD. Yes; as I said, very largely the same membership.

Mr. THOMPSON. Members of your association could also be members of, or could be, and probably are, members of the national association?

Mr. HIBBARD. Undoubtedly some are, not all. They are undoubtedly members of the American Antiboycott Association, but not all. I don't know.

Mr. THOMPSON. Does your association take any decided stand with reference to the labor problem?

Mr. HIBBARD. Yes.

Mr. THOMPSON. State what it is, if you care to state. Have you a statement of this matter you would like to make in your own way?

Mr. HIBBARD. I think it will come out, but you submitted to me a list of certain questions or points, and I have made memorandum or at least syllabus that I could talk from if the questions are asked about as they are submitted here in this paper.

Mr. THOMPSON. Well, if you have it in that order, suppose you make your statement in your own way and then I will ask you any questions that may arise from your statement.

Mr. HIBBARD. You have practically covered the first three questions on this paper already. Your fourth question is the attitude of the association with reference to various topics: A. Hours of labor and conditions of shops and factories. The association I think realizes that there is a tendency toward the shorter workday. The experience of employers has been that from the old long hours there has been a general reduction in working hours. While there is no rule—by the way, the association has no power to compel a member to work a certain number of hours or to pay certain wages; at the same time it has an influence in a general way. We endeavor to maintain fair and reasonable conditions. Those depend largely upon going conditions. To illustrate this hour proposition, I would say at the present time undoubtedly three-fourths of the members of our association are now working 54 to 55 hours a week, Saturday half-holiday, whereas comparatively a few years ago they were working 60 hours. In reference to shop conditions—we are all very much interested in the condition of all the shops in the association. In the first instance, as I suggested, the association is to a certain extent a mutual insurance association; that is, we protect each other from labor difficulties. A fruitful source of labor difficulty is, of course, insanitary conditions, unsafe conditions, extreme long hours, or any working conditions that to-day is recognized as not fair or not proper. The influence of the association is therefore to bring the personnel of the association up to reasonably proper condition. That is said in good faith; it is intended in good faith. That is the effort of the association.

Collective bargaining is your second item. Some years ago, as some of the residents in Chicago at least know, I was in favor of collective bargaining. I believed in it. At that time I was the president of the Chicago Metal Trades Association, a local body at that time not affiliated with the National Metal Trades Association. We had an agreement. This agreement provided for further agreements with due notice. At the expiration of this agreement the due notice was given. It became clearly apparent that the crucial test of the collective bargaining was whether, granting that increases would have to be granted or were proper under certain economic conditions, the corollary of the proposition is just as true, there must be decreases under other conditions. In all fairness I am taking the conditions as they really existed. It is impossible to conceive a constantly rising scale of anything; a bushel of wheat, a ton of coal, a ton of rails, the purchasing power of gold, there is no standard that I know anything about that is fixed. Therefore the whole crux of the problem depends upon whether it is possible to provide for reasonable just deductions or decreases the same as for increases. Without going into detail I will submit for the commission a detailed statement which can be very easily verified by original correspondence and by the files of all the Chicago newspapers—some of which are quoted in here, showing that the agreement fell down—I am not going into the details of the thing at issue.

(The paper so presented was marked "Exhibit No. 2, Witness Hibbard, July 24, 1914."

Hibbard Exhibit No. 2, pamphlet entitled "Negotiations between Chicago Metal Trades Association and the International Association of Machinists, District No. 8, preceding the strike of May 24, 1904," was submitted in printed form.)

It was a question as to whether certain kinds of work might not be provided for under a cheaper scheme of things—cheaper operation. I am not attempting to say that the point was not arbitrable, or at least that it was not a mooted question—was not a question for argument; I am merely pointing out that the agreement absolutely fell down, first, because while I think that the committee of union men who were with us at that time admitted our proposition—at any rate some of them said they did—at the same time, when those problems were passed back to the union there wasn't power enough to bring the union to agree to a peaceable reduction and the agreement failed. I merely call the attention of the commission to the fact that in two different letters after the agreement had fallen arbitration was offered. Even granting that the agreement had fallen down, and even granting that arbitration wasn't what we might hope or expect, at the same time we offered arbitration in two separate letters. Now, that all brings me to this point, Why do I now not believe in collective bargaining?

Well, first, because of lack of responsibility. I am not suggesting that incorporation is the answer or financial responsibility, but I am suggesting that just as the public has found there are big businesses, large corporations, accumulations of power have been—it has been necessary to control and supervise, just so I think that before unions can be dealt with on a collective bargaining basis there must me some control.

That is my first objection at the present moment to collective bargaining My second I have already indicated in my talk in regard to the previous agreement as to whether it can be peaceably provided that reductions as well as increases can be provided for. It comes to my mind right now, of course, that I can think of one or two instances of where men now in national prominence recommended a decrease and the men accepted them. It was considered a very, very wise thing at the time and the union man certainly gave his men very, very good advice at that time. But they are the exceptions, there are very few others you can name.

My third objection is this, and it is a hard one, I can not conceive of a condition of affairs where everybody belongs to the union. It may be possible, but I can't conceive it, any more than I can conceive of everybody belonging to the Catholic Church or the Presbyterian Church or the Democratic Party or the Bull Moose. I can't conceive of everybody belonging to one body. The nonunion man is here, he will be here as long as human individuals think differently. You can't compel everybody to join the union. The minute you try to you will have a revolt. Now, I do not know of any scheme of things under which in a shop where there is an agreement that we can properly and peacefully provide for the nonunion man to work in the same place. Now, what conditions may be in other lines, what they are in the garment workers, or what they are in the mines, or other lines of trade, I don't pretend to say, because I don't know, but I do know from practical experience that—well, my judgment is such an arrangement as that kind does not practically exist. If you start with an agreement it means before long that entire department is unionized, about which I shall have something to say later. Now, this growth of the union, do we assent to it? Do we object to the union man? Now, I am not going to make the old-time honored statement that there are good unions and bad unions, and we have no objection to the good unions; I am going to make this objection, I can honestly say that we do not object to the union man. There is no discrimination against the union man in the shops of the association to-day all over this country. There are any number of union men I have no doubt in many of the departments of the various members of my association. The unionization may be very large in per cent, but our objection starts right here. If the shop becomes 50 per cent unionized or 60 per cent unionized or some other per cent that I don't know, it then becomes impossible to run an open shop. The nonunion men can't stay. After thorough organization all the ills which we find then practically in the way of limitation, discrimination, shop stewards, all the balance follow. Now, I want to make this statement in all fairness and all good faith, I have no fight with the unions, I have plenty of union men on my list, I think, as friends, but I am pointing out the economical difficulties of a man running a shop and trying to run under the collective bargaining agreement and at the same time trying to run an open ship. It is impossible, as a matter of practical experience.

Chairman WALSH. At this point we will adjourn until to-morrow at 10 o'clock, to meet here promptly at 10 o'clock to-morrow morning.

(At 4.30 p. m. of this Friday, July 24, 1914, an adjournment was taken until to-morrow, Saturday, July 25, 1914, at 10 o'clock a. m.)

CHICAGO, ILL., *Saturday, July 25, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Delano, Lennon, O'Connell, and Garretson; also William O. Thompson, counsel.

Chairman WALSH. You may proceed.

Mr. THOMPSON. Is Dr. Sachs here?

TESTIMONY OF DR. THEODORE B. SACHS.

Mr. THOMPSON. You may sit down there, if you will, Doctor. Will you give your name?

Dr. SACHS. Theodore B. Sachs.

Mr. THOMPSON. I can not hear you, Doctor.

Dr. SACHS. Theodore B. Sachs—S-a-c-h-s.

Mr. THOMPSON. What is your business address?

Dr. SACHS. 25 East Washington Street.

Mr. THOMPSON. How long have you been a practicing physician?

Dr. SACHS. Nineteen years.

Mr. THOMPSON. How long have you been in Chicago as such?

Dr. SACHS. Twenty-five years.

Mr. THOMPSON. Are you president of the Chicago Tuberculosis Institute?

Dr. SACHS. Yes, sir.

Mr. THOMPSON. How long have you been president of that institution?

Dr. SACHS. The last three years.

Mr. THOMPSON. How long has the institute been in existence?

Dr. SACHS. About eight years.

Mr. THOMPSON. What is the purpose of it?

Dr. SACHS. It is an organization of citizens to carry on an educational campaign for the suppression of tuberculosis.

Mr. THOMPSON. Has it a limited membership?

Dr. SACHS. The membership consists of a few hundred.

Mr. THOMPSON. A few hundred?

Dr. SACHS. Yes, sir.

Mr. THOMPSON. Are they individuals or, in some cases, firms, corporations, that are members of the institute?

Dr. SACHS. Most are individuals; some are firms.

Mr. THOMPSON. What are the plans of your institute with reference to the investigation of sickness in industry, if they have any plans?

Dr. SACHS. About four or five years ago the Chicago people became convinced that under the present conditions, the conditions existing at that time, that tuberculosis was discovered late in the vast majority of working people, and that the cases that came for treatment to dispensaries and private practitioners were cases in a stage that was incurable as far as the disease is concerned, and as far as the restoration of working power is concerned. And so the conviction was gradually forced upon the board of the tuberculosis institution that certain arrangements were lacking in the present system in the working places for early detection of tuberculosis. The institute appointed about three years ago a committee on factories. The function of the committee was to study the existing conditions in reference to health in the working places and suggest some plan by which tuberculosis could be detected early.

Gradually the committee came to the conclusion that no matter what the arrangement is for early detection of tuberculosis in the working place, it will fall short of the result unless the arrangement takes into consideration detection of any disease of the employee, and so gradually the work of this committee on factories brought into the work of formulating of plans by which sickness, breakdowns in the working people, could be detected at the stage when these breakdowns are remediable and the working power can be restored.

I wish to say, my statement will be as brief as possible, that we gradually came to the conclusion that the preservation of health and working power of the employee is one of the fundamental conditions of right industry relations,

and that systematic supervision of health of the employee is very essential to the preservation of the health of the working people.

Now, this principle was recognized by the Chicago Tuberculosis Institute in its work against tuberculosis in working places, but as I said before we came to the conclusion very early in the campaign that in order to have the right kind of an arrangement in the working places for the protection against tuberculosis this arrangement should be made to ascertain any breakdown in the physical condition of the workingman.

I wish to state briefly just what are the considerations that led to the work of this committee on factories. First, as I said, the most important is the early diagnosis of the disease. Second, that I haven't mentioned yet, is the protection of the employee from communicable diseases. We felt that as far as tuberculosis was concerned that there will be sources of tubercular infection in factories, stores, and other commercial and industrial establishments unless there is some kind of arrangement by which these sources of infection can be ascertained.

For instance, about four or five years ago in a certain firm whose attitude toward their employees is benevolent and broad minded a case was brought to the attention of the institute where a man for a period of 10 or 12 years was in the advanced stage of tuberculosis, but more or less able to work, and continued to work among hundreds of employees without the knowledge of the owners of that firm. That is only one of the examples that is nearly every day brought to the attention of this committee on tubercular work. So that the protection from the communicable diseases was the other consideration.

The third consideration was this, that the tubercular institute felt that an arrangement for the detection of sickness in a working place is much easier to determine than the unfavorable conditions of work. As, for instance, in the course of the investigation in a certain firm in the city it was shown that chronic bronchitis, asthma, and tuberculosis are more prevalent in a certain department of that concern, and that led to the installation of a more comprehensive ventilating system and dust-removing system, and so on. Those considerations the institute considers very important, that without an arrangement for the detection of illness in employees it is very difficult to determine just where the unfavorable conditions of work exist.

The fourth point that lies at the basis of this recommendation of supervision of the health of employees is that right assignment of work in a very large percentage of the cases is impossible without a knowledge of the conditions of the worker.

Fifth, in order to establish the right conditions that favor the health of the worker it is very important that the employer should recognize the health of the worker as an important condition of his efficiency.

This committee on factories, during the last three years, published three pamphlets, of which 25,000 copies were distributed among the employers of this city, and about 5,000 outside of Chicago.

We began with conferences about three years ago, at which a few firms were represented; and during the last three years we had 20 conferences, generally noonday conferences, at which in all 47 firms were represented, these 47 firms employing about 190,000 people.

At these conferences the subject of supervision of health of employees was discussed from every standpoint, from the standpoint of the interest of the workingmen, the interest of the employer, and the interest of the community.

And so during the three years these conferences have served as a kind of school for every one here in the city, to study the very phases of the important problem of health of employees.

The advantage of the systematic supervision of health of employees can be summarized as follows:

First, I ought to state just exactly what the committee on factories of the Chicago Tubercular Institute recommends. The committee on factories recommends the establishment of an arrangement by which the foreman, thoroughly instructed by a competent physician or nurse, will look for any breakdowns on the part of any employees. And then after this system is in operation for some time the committee on factories advocates the establishment of medical examination of new employees and reexamination of old employees.

The advantage of such a system may be summarized as follows:

First, early detection of breakdowns. I wish to call attention here to this point, that in the course of the operation of such a system of supervision of the health of employees it is not only disease that is discovered in workmen that

can be very easily detected and remedied by advice of a physician and change in the régime of the work. In the vast majority of cases it is absolutely necessary that the worker quit work, and, as far as possible, abstinence from harmful practices and so on. There is also reestablishment of the health of the worker. Of course, in a certain percentage of cases it means leave of absence for a certain time to repair the health of the worker. So early detection of these breakdowns is the first advantage.

Second, early diagnosis of various diseases. Now, for instance, it has been shown that in a number of firms that had had no supervision of the health of the worker three or four years ago the only cases of tuberculosis that came to the surface were cases of advanced tuberculosis that could not be remedied, while in a number of these firms that had in operation the system of supervision of health of employees during the last three years, at the present time, the vast majority of cases that are discovered are of the incipient variety that can be treated and cured in a period of a few months and the working power reestablished.

The third advantage of such a system is, as I mentioned before, detection and control of sources of infection. It is absolutely impossible to know the extent and source of infection unless there is an arrangement for the detection of various kinds of diseases among the working people.

The fourth, as I mentioned before, is the gradual appraisal of harmful conditions. As I stated before, time and time again, certain diseases were prevalent or certain diseases were discovered in certain departments of the firm that were entirely unknown to the owners of the firm, and for this reason systematic supervision of the health of employees is considered by our committee as very essential in connection with the prevention of the occupational diseases.

Fifth, that, as I alluded to before, the advantage of systematic supervision of health of employees is the gradual changing of the attitude of employees. For instance, it has been shown in some firms, during the operation of this practice by the employers and the benefit associations, people who were working and suffering from incipient diseases and a few months' treatment in a sanitarium would help them, three years ago in quite a large percentage of cases workers would not go, while at the end of the operation of such a system with such firms at the present time at least 80 or 90 per cent of the cases go to a sanitarium to take advantage of this offer that comes through the operation of the employers' benefit association to which workers are contributors.

Then, the next advantage is the high standard of health efficiency of the working people.

And the last one, and probably one of the most important questions, stands high in the eyes of the committee on factories, is the resulting better understanding between the firm, the superintendents, and the employees.

Now, this matter was submitted at the various conferences of this committee and then summarized by representatives of this committee and also by representatives of Chicago firms at the last annual meeting of the National Association for the Study and Prevention of Tuberculosis. And out of the deliberations that were held now during the last three years by business men, superintendents of employees' welfare associations, and different industrial positions, nurses, and other men and women interested in this work, it appears that the following arrangements probably are necessary in order to make this system of supervision of health of working people permanent and a just institution:

First. Industrial sickness and invalidity insurance, probably by Federal law.

Second. A system of supervision of the health of the employees as a part, as an integral part, of this industrial sickness and invalidity insurance. I think it is the conviction of men that have made a study of this subject that unless systematic supervision of health of employees is made a part of industrial sickness and invalidity insurance, then the cost of maintaining the sickness and invalidity insurance would be much less than it would be otherwise.

And that the third point that under such conditions the employee will become not only the recipient of certain assistance that is extended to him in the case of illness by certain benevolent firms, but he would become also the administrator, one of the administrators, of the insurance funds, and consequently this will lead to a better understanding between employers and employees.

This represents in a brief way just what I wish to present to the committee, and I hope that the statement was not too long.

Chairman WALSH. Thank you. Mr. Lennon says he would like to ask you a question, Dr. Sachs.

Commissioner LENNON. Not exactly a question particularly; I want to publicly commend the work that you and your society has done for humanity. I am very familiar for an outsider, and it gives me great satisfaction to say that you and your committees have done excellent work—a work that deserves to be given credit. That is all.

Commissioner GARRETSON. Mr. Chairman.

Chairman WALSH. Mr. Garretson.

Commissioner GARRETSON. Doctor, from your experience with the corelation of disease and labor, if you feel free to express the opinion, I would like to know whether you consider any employer has the right to employ people under insanitary conditions—the moral right to?

Dr. SACHS. I would say that he has no moral right.

Commissioner GARRETSON. Do you believe that it is an obligation that rests upon the employer to furnish properly healthful quarters for the performance of the work that he requires of his men?

Dr. SACHS. I don't understand your question.

Commissioner GARRETSON. Do you believe that it is an obligation that rests upon the employer to furnish proper sanitation and other similar appliances?

Dr. SACHS. I would say that we believe that there should be minimum hygienic requirements for various forms of industry. And in connection with this, if I may be permitted to say, that we believe also that this Nation ought to have a department of health that would formulate such minimum hygienic requirements for various industries.

Commissioner GARRETSON. And make them an absolute requirement?

Dr. SACHS. Yes.

Commissioner GARRETSON. That is all.

Mr. THOMPSON. That is all.

Chairman WALSH. Is that all, Mr. Thompson?

Mr. THOMPSON. Yes.

Chairman WALSH. That is all. Thank you, Doctor.

Dr. SACHS. I wish to leave this [handing papers to the chairman].

Chairman WALSH. Thank you very much. That is fine, Doctor.

(The papers so presented were marked "Exhibit No. 1, Witness Theodore H. Sachs, July 25, 1914"; "Exhibit No. 2"; and "Exhibit No. 3."

Sachs's Exhibit No. 1, pamphlet entitled "Examination of Employees for Tuberculosis," published by the Chicago Tuberculosis Institute, and Sachs's Exhibit No. 2, pamphlet entitled "Medical Examination of Employees," a symposium before the advisory council of the National Association for the Prevention of Tuberculosis, Washington, D. C., May 7 and 8, 1914, were submitted in printed form. Sachs's Exhibit No. 3 will be found under the heading of "Exhibits.")

TESTIMONY OF JOHN D. HIBBARD—Recalled.

Mr. THOMPSON. Mr. Hibbard, you may continue where you left off last night.

Mr. HIBBARD. I think I had just completed talking about B of your fourth question. C and D on your list refer to piecework or day wages, relative merits of both systems—premium or bonus systems. I haven't very much to say about that, for the simple reason that the association itself has no control of the manner of payment or the conditions under which work is done. That depends very materially on the character of the work; some lend themselves to piecework and others do not. The only condition—or, at any rate, so far as my official connection with the members of our association is concerned—the only thing that is insisted upon is that the wages shall be reasonable and fair for the conditions in the locality and that, as I suggested yesterday, the hours should also be reasonable.

In other words, the association has no direct control over either of those two items—sanitation of shops or factories. We are doing everything in our power to bring the character of a shop of the members of the association up to the grade that is to-day recognized as being proper; that for the reason, as I also stated yesterday, that these are frequent causes of labor difficulties, labor complaints, and that it results later in trouble; and we have an inspector—sanitation and safety inspector—who inspects the shops of our members, whose reports of the State factory inspector or the inspector of the insurance company. Many of our members are insured against accident in insurance companies who are inspected by insurance inspectors, but our own examinations, I believe, are

more thorough than even those. Very frequently the factory inspector is a political creature, and the inspections are not always what they ought to be.

I want to diverge just a little bit there, perhaps. I think that many of us realize that the employer of several years back was not a philanthropist. He represented an opportunity to do a great many things that should have been done. A great many of the improvements that have been brought about in shop conditions, sanitation and safety, child labor, sweatshops, and unreasonable hours have been brought about very materially and very largely due to the efforts of unions. I do not believe, however, that proper credit is given at the present time to the manufacturer and employer who to-day realizes he has been taught, as all the public has been taught, as union men have been taught, as we all have been taught, that these conditions as they used to exist were not proper, and he is just as good a citizen, he is just as humane an individual, and just as much interested in the improvement of conditions as are any of the rest of us. Individually they are just as high a type of men as you can find anywhere else, and I merely wanted to make this point, that to-day the employers of the country are not given the credit which they should be given for really honestly and sincerely assisting these betterment movements.

Your next question was in regard to compensation in case of accident.

The association is on record in favor of compensatory legislation, and in certain States members of our association have been on the State boards that have furnished such legislation. We are in favor of compensatory legislation.

G. Card-index system of keeping personal record of employees: The national office keeps no record of men. We have on file always applications for employment of various kinds from shop superintendents and foremen down. But there is no systematic record kept. There are some 14 branches of the National Metal Trades' Association in various cities that do have their labor bureaus, and those labor bureaus do keep records of men of efficiency and where they are employed. In some instances, or in some particular cases, the record may show whether they are union men or not; but they do not do it in all cases. And, as pointed out yesterday, the mere fact that a man is a union man does not necessarily deprive him of having employment. I will say this, that there are individual cases where trouble has been so constant—just one continual round of pleasure—that some individual members do not care to have union men in their employ. That is true. But so far as the association—that is, the machinery of the association—its local bureau, or its local file index, or its record of men being used in any way to discriminate against the union men, except in cases or particular instances that I have mentioned, it is not so.

Blacklisting of agitators: I do not want a man in my employ who is not loyal to me. I do not care whether it is in the shop or in the foreman's or superintendent's position or in the office. Moreover, I do not believe that anyone who interferes with the ordinary routine of business is a very desirable employee. I should object just as much to a religious fanatic who took my time and my pay to exploit his views as I would a labor agitator, perhaps. But, at any rate, if a man is an objectionable employee I don't want him. If I can find out who he is I will let him go.

Now, so far as there being any systematic record, or any blacklist, there is none in existence that I know of or ever heard of.

Attitude of trade-unions in regard to three or four items:

First, restriction of output: We are opposed to it, and it exists. I don't know what more I can say.

Chairman WALSH. You are opposed to it?

Mr. HIBBARD. We are opposed to it, but it does exist.

Chairman WALSH. Yes.

Mr. HIBBARD. Exists in certain trades and certain conditions; certain places more than others. But I don't believe that any sane man who is familiar with the trade or in business would for one moment gainsay the fact that there is a very material amount of restriction of output.

Limitation of apprentices: The apprentice question is a very hard one. We are laboring under the difficulty of not having skilled labor enough. In my own shop, which I operated some years ago, but am not now actively engaged in operating, there was not a place where I could properly put a boy. I had nothing to teach him. My shop could not have taken an apprentice with any degree of fairness to the boy himself. We had no apprentices. I can conceive of other places where a large number of boys could be taught trades, and taught very properly. I think that is very largely a question of conditions and of particular cases. I don't believe there is any God-given ratio of 5 to 1 or 60 to 1, or any

other ratio that determines what should be a rule as to how many apprentices should be employed under any and all conditions.

Standardization of wages: I believe that that is impossible, for the reason that, so far as my own association—and, by the way, most of my remarks naturally are referring to the trades and conditions that I know about, and what they may happen to be in some others, I don't know; I am not attempting to say. But conditions vary so in different cities in different trades that I don't believe it would be a possible thing for our association to agree to a standard wage. I think that would have to be more determined by the character of the business and, as I say, the location.

There is one point that I want to mention here before I forget it. In all discussion of employers one is very apt to picture in his mind the big employing institutions, large business, and forget—and he forgets and does not know that a condition of affairs exists in this country which few people realize.

I have some notes here from the last census.

An examination of some 286,500 employers, in such lines as ours, employing 6,600,000 workers: Of the people who did their own work, the little tailor, the tinsmith, or the carpenter, who have less—might be who had no employee at all; was engaged in trade and doing the work himself, there were 27,712. Those that employed from 1 to 5 wage earners, 136,289; 6 to 20, 57,196. In other words, 81 per cent of all the employers in this country in certain lines employed less than 20 employees. Only two-tenths of 1 per cent employed over 1,000 workmen.

I think that gives people a little different mental picture of things. In the legislation in regard to compulsory compensation, minimum wage, we are apt, possibly, in our efforts to hit the big fellow, but in going for the big fellow we are hitting the little fellow at the same time. A large corporation or a large business with a wide field of operation and with a very large capital can adjust itself to new conditions very much easier than the little bit of a fellow up on Milwaukee Avenue, who has the department store to contend with, high rent, and is probably only making a very reasonable living. If his conditions are materially increased—if his expenses are materially increased—he is the one that suffers. But he is 80 per cent. He is 80 per cent of the employers.

I can conceive that the big department store on State Street could not want anything better than a minimum-wage law in Illinois, which would make it almost impossible for the little employer up on Milwaukee Avenue or on Archer Avenue or Cottage Grove Avenue to do business. That is one of the objections, as I see it, to this standardization of wages as applied to my own case, as refers more particularly to the lines of trade and the location.

Boycott on material: The boycott is an extremely dangerous weapon; it is a powerful weapon, and I had that in mind yesterday when I spoke about the union being under some form of Government supervision or control, because, so far as the public is concerned, it does not distinguish; it can't distinguish; it rarely learns the facts. It gets an ex parte statement of conditions, and as to whether the employee shall be supported or the employer should be supported in a given instance is rarely accurately determined by the public, who knows nothing whatever about the facts.

Therefore, where irreparable damage can be done to the individual or to business, I believe that before a boycott is permitted there should be some control of the situation.

Closed shop: Well, I am opposed to it. Our association is opposed to it. And it spells, in the last analysis, to our mind, as the result of experience, limitation and higher cost, and the public pays the bill.

The attitude of our association toward strikes, sympathetic strikes: Well, I think possibly what I said about boycotting might apply to sympathetic strikes. It is also a powerful weapon and, if to be used, ought to be under some form of control. The main objection to it being that it rarely concerns itself with the primary issue, with the real difficulty, the start of the whole trouble—that is, the dispute in the first instance.

Picketing, peaceful and otherwise: I do not know what peaceful picketing means. I know what the words say, but they convey absolutely no idea to my mind. I know I have never seen any. Picketing, if it is picketing, is coercion and threat. If it is not that, it is not picketing. That is my experience.

Boycotting I have already spoken about.

Violence: Unfortunate, and it is only too common. I heard what Mr. Mullenbach said here yesterday about the human element, human nature; the

fight that perhaps is inevitable; and also his point that violence or force was the only weapon at the hand of the workmen, whereas possibly the employer had money or power to bring about legislation or anything else, while the union had to resort to force. That may be true. We may both be culpable. We may both be to blame. There may be cases of individual employers who have instigated trouble. I have heard of some. As a matter of fact, a good friend of mine, a big employer, told me that he believed in one instance the employer had done such a thing. But it is simply absurd on the face of it to claim that employers begin violence. It means expense; it means trouble; it means a notoriety and publicity he does not desire and does not want, and is harmful; it hurts his business. I personally never heard of an employer who started out to shoot up his men because they went out on a strike. Personally I don't know of a single case of violence started by the employer. There may be; I don't know. Well, I say I don't know, I may have heard of this one case I will refer to.

In the nature of the case what happens? My men go out on a strike; right or wrong, good cuase or bad cause, I am at fault or they are at fault; waiving all those questions, I try to get men to go to work; I find men who will go to work. I know perfectly well that unless I protect those men that they will be harmed; there is a moral obligation on me as an employer to take care of my men, and violence results.

Now, it is a sad commentary that such things as Butte, the northern peninsula, Colorado—these awful industrial wars—take place, and there is going to be some way found to handle them. Our present conditions aren't stable. The result of all this turmoil and all this commotion is going to be a relation between employer and employee that is much better and much finer than we know. There may be crimes of employers, and doubtless are, but that is a particular crime that is not a crime of the employer; that is the crime of a union, this particular topic.

Opinion regarding extent and cause of industrial unrest: Well, they are general. They are very complex. I do not believe we can explain them on the ground of $3 a day or $3.50 a day, or $3 a day and $4 a day; I don't believe money is the measure of contentment or happiness. If we all receive to-morrow $100 more a month than we are getting now, or $500 more a month to-morrow, I don't believe that would settle our difficulties or our unrest. It may be Jim Hill's version—the cost of high living. We are extravagant; we are desirous of doing what other people do; we are extravagant in our automobiles; we are extravagant in our movies and our hats and clothes and pretty much everything we do. Whether these or all or any of them are elements of the problem I do not know, but I don't believe in a word we can possibly attempt to say what the causes of our social unrest are, and as for me, if I have any suggestion in regard to constructive measures, I don't know of any panacea that is going to get us out of all this trouble. However, I wish I knew something that I could suggest. I think, so far as the employer is concerned, there has been and there must continue to be a more sympathetic feeling in regard to his men. He has got to make his shop safer and more sanitary; he has got to realize that short hours are coming and higher wages are going to be paid, just so far as the law of economics will let us go.

I think on the part of the unions that there must be a greater responsibility, perhaps this Government supervision of some sort that I have suggested. And the improvement in the union or the corrections of abuse must come from inside. They must come from the unions themselves. We people on the outside can scrap and fight and suggest things, and suggest legislation, and all that sort of thing, but the real work is up to the officers themselves to clean out their own bodies, as they are trying, I believe, to do in Chicago at the present time. And on the part of all of us there must be more intelligent and more sympathetic regard for the other people's wishes and rights.

Mr. THOMPSON. You have given apparently a good deal of thought and a good deal of your life to the labor problem, as commissioner for the metal trades association. Is it your opinion that, generally speaking, the organization of workingmen into unions has helped or hurt his position in industry?

Mr. HIBBARD. I should say there was not any question but that the fact that the position of the man—the position of the workingman in general—has been helped by his union; yes, sir.

Mr. THOMPSON. And that is because of his organization in unions?

Mr. HIBBARD. Undoubtedly.

Mr. THOMPSON. Now, assuming that the American workingman realizes that fact, as you realize it, do you think that the idea of organization is going to grow or is going to die off in his mind?

Mr. HIBBARD. Well, I don't believe it is going to die off.

Mr. THOMPSON. If he would use the same intelligence that we expect an ordinary business man to use, he would say, as you have said, "This has been a good thing, we ought to keep it up," would he not?

Mr. HIBBARD. I should think so.

Mr. THOMPSON. Now, if other people in the ranks of the employers should realize, as you realize, that the union has been a good thing for the workingman, don't you think that they would make the deduction that the union has probably come to stay in industrial life?

Mr. HIBBARD. Oh, I don't hear anybody argue that it has not, or I don't come in contact with those who believe that it has not.

Mr. THOMPSON. Then, assuming that the union, Mr. Hibbard, has come to stay in our industrial life, do you think that in that case, speaking generally now for the moment, that collective bargaining is a bad or a good thing? You can answer that in your own way; I am not asking you for yes or no.

Mr. HIBBARD. Mr. Thompson, I am not here to evade any question. I realize that I have certain ideas, and I want to help you all I can; and if I can be of any assistance to the commission that is what I am here for. I am not here to exploit any particular notion. As I told you, I haven't any. There are certain difficulties and certain abuses that we run into that we are opposed to, and will continue to oppose.

I said yesterday that there was one stage of my life there where for a year I fought as hard as any man could fight among my own people, on our own side of the fence, for a collective-bargaining agreement, as men in this room know; that I was forced out of that position for simply the cause, as I have pointed out, that so far I have yet to find where the fluctuations, economic fluctuations, can be peaceably taken care of. Now, whether that is because there is not enough of fiber behind the other side of the agreement, I don't know.

Mr. THOMPSON. What I was trying to do, Mr. Hibbard, was to see whether your objection to collective bargaining, as you have stated, was fundamental to the thing itself or rather to certain phases of collective bargaining——

Mr. HIBBARD. Oh, I can answer that, I think, very frankly. It is not. It is not fundamental. As you know, our own association, this Chicago Metal Trade Association, in the first place that I know about, that was not affiliated with the national trades, the National Metal Trades Association; it has tried it; the National Founders' Association tried it, indicating all those people believed in the theory of collective bargaining, and I do not know but now you will find most of the men would say, "Why, yes; theoretically I believe in it all right, but practically here are certain steps in the thing that have always fallen down." I think I can honestly say that in a different condition of affairs that I would be in favor of collective bargaining.

Mr. THOMPSON. Now, assuming, then, that unionism has come to stay—the organization of workingmen—and that fundamentally and on the right basis collective bargaining is a proper method to deal with such a situation, would you believe that the work of this commission should be directed toward harmonizing these fundamental propositions to our present industrial life so that they may be carried out and brought about with the least friction to industry?

Mr. HIBBARD. I think that would be fine work.

Mr. THOMPSON. Well, wouldn't that be the natural direction in which a mind, looking at it from a practical standpoint, must work?

Mr. HIBBARD. I should think so.

Mr. THOMPSON. Are there any other directions that you would think that we ought to go, Mr. Hibbard, and explore?

Mr. HIBBARD. Well, that will keep you busy for a while.

Mr. THOMPSON. I think so, but it might be you think other things are more important, for instance, in the industrial problem?

Mr. HIBBARD. No, no; I think that you are right on the most important thing that you can tackle right there.

Mr. THOMPSON. Now, going to the question of violence just a few moments, Mr. Hibbard, do you believe that it can be fairly stated that the general attitude of the American workingman, as he is gathered together in these organizations, is for the purpose of committing violence?

Mr. HIBBARD. Oh, no; I would not claim that a minute.

Mr. THOMPSON. Don't you believe that he, as the average American citizen, would prefer to gain his objects by peaceful and ordinary methods?

Mr. HIBBARD. No question, if you ask me; I believe that the workmen in the city of Chicago belonging to the various unions in the city of Chicago—I am now referring to outside my own trade—building trades—on the average are just as good citizens as I am or you, that want the laws obeyed just the same as you and I want them obeyed or anybody else, that they are in every particular just as patriotic, just as good citizens as we. I should say, offhand, yes, beyond any question. But there is a machine, as there sometimes is in politics, that operates the thing.

Mr. THOMPSON. Well, I was leaving out for the moment, Mr. Hibbard——

Mr. HIBBARD. Now, I was going to say that as a similar case, exactly in the same way, while the rank and file of any particular union beyond any question are good citizens, the powers that be sometimes plan and do things that I don't believe the rank and file would stand for if they knew all the facts.

Mr. THOMPSON. I am leaving out for the present consideration, Mr. Hibbard, those cases of violence which apparently as we get them in the newspapers are premeditated acts of little coteries or leaders or politicians; I am taking the general strike as it occurs over the country where hundreds and thousands of men are out of work, and where under the law as it exists to-day the employer, we will say, seeks to replace them by other workers which the people on strike generally call scabs. Now, violence has often occurred, if we may believe the reports, in those cases. Would you say in those cases that that violence is the result of a coterie of men, or rather it grows out of the situation itself?

Mr. HIBBARD. Undoubtedly there are a good many cases where it grows out of the situation. Those are the kinds of sporadic things, however, that we could overlook. I do not think they are either serious or extended. It is the systematic violence that I have in mind.

Mr. THOMPSON. Well, Mr. Hibbard, are there records that we can get that have been compiled by your association or by other employers' associations in this country which would give us evidence, except in perhaps these small coterie cases I speak of, that violence has been premeditated and carried on in a wholesale manner?

Mr. HIBBARD. Our association has no such record, but I can refer you to various cities whose criminal calendars will give you the names of all the people that you want.

Mr. THOMPSON. Well, is there anywhere that you know any records kept that we could have access to that would help the commission?

Mr. HIBBARD. Right there——

Mr. THOMPSON (interrupting). In studying this——

Mr. HIBBARD (interrupting). Right there I can give you one particular city.

Mr. THOMPSON. What do you mean, that the criminal court records would show it, or what?

Mr. HIBBARD. Yes; and the details of the case and the whole history. Our association keeps no such record.

Mr. THOMPSON. Then the only source of information is this you have stated?

Mr. HIBBARD. Yes, sir.

Mr. THOMPSON. Now, Mr. Hibbard, in reference to the question of picketing, a good deal has been said on this subject pro and con. Theoretically, the right to peaceful picketing, I presume, must be extended, as the right to collective bargaining. Why, in your opinion, is peaceful picketing impossible? Do you believe that in all cases there is a systematic attempt to use violence wherever a strike occurs?

Mr. HIBBARD. Mr. Thompson, what it may be in the restaurant business I don't know. I have had no experience. But it would take more than the average amount of nerve for you to go into a plant where we have a strike on that is picketed.

Mr. THOMPSON. Well, that brings up and is allied to this question of violence. As I understood you, you believe that where violence occurs, just because of the fact that men are out on a strike and others take their places, you said that was sporadic.

Mr. HIBBARD. Oh, I said it might be. There might be cases.

Mr. THOMPSON. Now, in your opinion, then, in most of the strikes of the country, so much so as to be said to be the general proposition, there is an organized effort at intimidation and violence?

Mr. HIBBARD. In my experience; yes.

Mr. THOMPSON. Well, why do you believe that, leaving out now, we will say, certain lines of trade in large cities, taking the country over, in manufacturing plants, why do you believe that this large body of law-abiding citizens of workingmen would countenance so generally, as you say, violent picketing, so much so as to make the name of peaceful picketing an absolute nonentity? I mean describe a situation which does not exist.

Mr. HIBBARD. I will attempt to tell a story. We used to have here in town a steam fitter that worked for us by the name of Barney. Barney was a good fellow, a good friend of mine. I said, "Barney, why is it you have such a walking delegate as you have here in the city of Chicago?" I said, "I know you, and I know Jim, and I know Dan, and the other fellows, and you are a decent lot. This walking delegate don't represent you." "Well," he says, "Mr. Hibbard, you believe, don't you, that if the people of the city of Chicago had the chance to vote for what was right and what was wrong, a good principle or a bad principle, that they would choose the right, wouldn't they? That they would elect good men rather than bad?" I said, "Yes." He says, "You show me why you have that bunch at the City Hall and I will tell you why we have our walking delegate."

In other words, Mr. Thompson, to answer your question direct, the control isn't in the hands of the many.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. I understand you are not now in the manufacturing business?

Mr. HIBBARD. No, sir.

Commissioner O'CONNELL. Not an employer?

Mr. HIBBARD. No, sir. I have been commissioner for about a year or a little more.

Commissioner O'CONNELL. There are about 700 firms, you say, holding membership in the National Metal Trades Association?

Mr. HIBBARD. Yes, sir.

Commissioner O'CONNELL. How many firms approximately in the United States that would be eligible to membership in the national association?

Mr. HIBBARD. That I haven't any idea of knowing.

Commissioner O'CONNELL. One hundred thousand?

Mr. HIBBARD. Why, you see any man who employs machinists or pattern makers or buffers or polishers even though employing only one or two, would be eligible. I haven't any figures. It might be as many as you state; I don't know.

Commissioner O'CONNELL. I suppose you have 5 per cent of the eligible firms in the country in the association?

Mr. HIBBARD. Perhaps I can put it this way, which will be of more value: About a year ago, unfortunately not so at the present time, but about a year ago the total number of employers on the pay roll of the entire association, I think, was 340,000 to 350,000 men. Now, how that ratio will jibe up with the total number of employees in the country I can't tell you, but it must be a pretty reasonable per cent of the total productive force. It is not anywhere as large as the manufacturers' association or a great many others.

Commissioner O'CONNELL. My idea in asking you the question is because of a statement made of the per cent of organized workmen and of the per cent of unorganized workmen in the country. Some estimates being something very low and others very fair and so on.

Mr. HIBBARD. Yes, sir.

Commissioner O'CONNELL. Now, Mr. Hibbard, I understood you yesterday, and I have the verbatim testimony before me here, to say your first break with the union here was because of a certain situation that arose in which the leaders had agreed to a certain proposition of the employers here but could not force their union to accept it.

Mr. HIBBARD. I did not say—I don't believe—correct me if I am wrong—I don't believe I said the union officials had agreed, but I said I thought they agreed with us that it was the proper thing to do.

Commissioner O'CONNELL. Yes.

Mr. HIBBARD. And they were going to use their influence to bring the union around to their viewpoint.

Commissioner O'CONNELL. Do you believe the officials, if they were in perfect accord with your association's ideas—that they should have the power or be in

the position to influence the membership to accept something they thought was right and the membership thought was wrong?

Mr. HIBBARD. Well, you very frequently would have to delegate a committee to act for you. A committee may or may not carry out the individual wishes of everybody, but in that particular instance the employers who were there present were qualified and did bind all the other members of the association. And what would have been agreed to by them would have been binding on the association. They would have had to live up to it or else get out.

Commissioner O'CONNELL. Now, does the National Metal Trades Association have within its make-up an organization of employees, of workmen?

Mr. HIBBARD. Not as I understand your question; no, sir. It does not. It has an office force.

Commissioner O'CONNELL. Oh, yes; I understand. But, for instance, do you organize, or maintain a force of men trained for the purpose of taking the places of strikers or workmen when they go out on a strike?

Mr. HIBBARD. No, sir.

Commissioner O'CONNELL. They have not maintained sometime in their history an organization of that character?

Mr. HIBBARD. Not that I know of, Mr. O'Connell. I do not believe that they have. Men of that kind are ordinarily obtained because we have known of a certain man having been on another job, or by advertising or in some other way.

Commissioner O'CONNELL. Are there not membership cards or cards of some character, preferential cards given to workmen that give them preference of employment in the various shops of the companies holding memberships in your association?

Mr. HIBBARD. If a man has been faithful during a strike on a job, been decent, a good workman, sober and industrious, after he is through with his work we have in some instances given a card. I do not believe there are a great many of them.

Commissioner O'CONNELL. Isn't there a prize or a premium or a present of some kind given to men—or a bound volume or a book or something of that kind—given to men because of their loyalty to the National Metal Trades Association?

Mr. HIBBARD. I think there have been; yes.

Commissioner O'CONNELL. Have you a copy of such a book?

Mr. HIBBARD. I have not. I could get you one.

Commissioner O'CONNELL. Will you furnish the commission with one of them?

Mr. HIBBARD. I will be very glad to.

Commissioner O'CONNELL. Will you furnish the commission with samples of your employment lists, applications for employment, and a statement of the methods the applicant goes through seeking employment?

Mr. HIBBARD. What is your question?

Commissioner O'CONNELL. I want the various forms and applications that are handed to workmen seeking employment in the shops or at your office; all forms in connection with the matter of employment.

Mr. HIBBARD. I will be very glad to furnish them to the commission. Allow me to say, to point out, however, as I said yesterday, the national office carries no employment bureau of any kind. We have no such forms or cards there. There is no uniform or standard in the 14 different branches. We exercise no control except a very general control over them. We do not specify their forms, and each individual secretary has one which suits him.

Commissioner O'CONNELL. Will you furnish those in Chicago?

Mr. HIBBARD. The Chicago branch?

Commissioner O'CONNELL. The Chicago branch.

Mr. HIBBARD. Yes, sir.

Commissioner O'CONNELL. Mr. Hibbard, in the case of a strike at the plant of one of your members, what does your association do to be of service to your member?

Mr. HIBBARD. Presupposing all the time that the cause of the strike is just and fair and it is one that the association will undertake to handle—we don't handle any old thing, you know; a man must come into court with clean hands; he must have a good cause. A good cause to our mind, for instance, an absolute claim for unionism of the shop. That we fight.

Commissioner O'CONNELL. Well, in that case?

Mr. HIBBARD. The member is entitled—if the men go out, the association is under obligation to furnish him seven-tenths of the number of men which he reports in that department of the association.

Commissioner O'CONNELL. And in a financial way, what do they do?

Mr. HIBBARD. Why, that is about all—that is, they place the men in the shop and start them going.

Commissioner O'CONNELL. Do they furnish him capital to keep his business running?

Mr. HIBBARD. No; no. That they may have done so in individual cases I do not know, but there is no obligation in the constitution, by obligation, that they shall do so. I know in that 1904 Chicago strike we had a good many weak sisters, and there were some of those that were helped along in their pay roll by some of the members of the association. That is not part of the National Metal Trades Association.

Commissioner O'CONNELL. Supposing there was a general strike occurred for reduction of hours, increase in wages, any general thing that would affect the shops pretty much alike, against the members of your association, would you permit one of your members to withdraw at any time during that controversy with a clear card from your association?

Mr. HIBBARD. He has a right to resign at any time he desires.

Commissioner O'CONNELL. Would you think he was doing a justifiable thing in resigning under a situation of that kind?

Mr. HIBBARD. Well, we keep reverting to our old topic of discussion—that is, the old Chicago situation. At one time, you might remember, there was one man went out to whom we did not feel very kindly at that time. He was the only one we lost.

Commissioner O'CONNELL. Do your members put up a bond of any character to secure their membership in the faithful performance of their allegiance to the constitution and by-laws?

Mr. HIBBARD. No, sir.

Commissioner O'CONNELL. Have you read this piece that is published this morning in the Manufacturers' News—the hat manufacturers' agreement upheld?

Mr. HIBBARD. I have not seen that; no, sir.

Commissioner O'CONNELL. The case of the hatters' association suing one of their members for a claim of $5,000 for quitting the association during the strike of the association. The case is upheld by the court with the approximate amount of funds of $75,000 in sight for the association from firms that have withdrawn from the organization. Did your association attempt to deal in that way with your members who withdrew?

Mr. HIBBARD. No, sir. I say that I haven't seen that article. I have not. But now that you mention the case and the point, I believe the case was decided on this theory: If you and I agree to do a certain thing, it is a crime for somebody else to try to induce either one of us to violate that contract. If I agree with you that I will run an open shop, if you do, anything that is done in contravention to that contract, as I understand it, is liable to result in trouble.

Commissioner O'CONNELL. Then, if two men agree to go on a strike for a certain thing with each other, for an increase of wages or some other thing, in which they are interested——

Mr. HIBBARD. And I try to induce one of them to go back?

Commissioner O'CONNELL. And you tried to induce one of them to go back——

Mr. HIBBARD. I would probably be trying to make them break their contract and be amenable to law myself.

Commissioner O'CONNELL. You think you would be liable for damages in doing that?

Mr. HIBBARD. I think I might under that decision. However, I am not a lawyer.

Commissioner O'CONNELL. Neither am I.

Mr. HIBBARD. That is a layman's guess.

Commissioner O'CONNELL. Neither am I, but I think we have dealt in a number of cases together and understand what we are talking about. Did you hear Mr. Piez, the president of the Link Belt?

Mr. HIBBARD. I wasn't here; no, sir. And I only saw what was in the paper.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions?

Commissioner GARRETSON. Yes.

Chairman WALSH. Mr. Garretson has some questions.

Commissioner GARRETSON. You made a statement a few minutes ago that might have a very broad inference to be drawn from it. You made the statement that the employer of 10 years ago was not a philanthropist. Do you mean by that every employer of to-day is one?

Mr. HIBBARD. No, sir.

Commissioner GARRETSON. Oh.

Mr. HIBBARD. No, sir; he is very much better, though, and is a very much broader-minded man, with more milk of human kindness in him than he had 10 years ago.

Commissioner GARRETSON. You said this result was produced in some degree by the activities of the union or agitation of the union and along various lines——

Mr. HIBBARD. You mean those various things I thought have been corrected?

Commissioner GARRETSON. The betterments that have taken place in the shops of the employer.

Mr. HIBBARD. Yes; I think very largely.

Commissioner GARRETSON. Then the union is to be credited with missionary work in that direction?

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. You read from a census statement to the effect that there were only two-tenths of 1 per cent of employers that employed over a thousand men.

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. What proportion of the men employed are employed by that two-tenths of 1 per cent?

Mr. HIBBARD. As I remember, the 80 per cent that I first mentioned employed 14.7 per cent.

Commissioner GARRETSON. Eighty-one per cent of employers——

Mr. HIBBARD. Only employ about 15 per cent.

Commissioner GARRETSON. Fifteen per cent of the workers.

Mr. HIBBARD. The two-tenths per cent employ 15 per cent of the workmen. In other words, the two-tenths per cent employing over 1,000 men employ as many as the 81 per cent.

Commissioner GARRETSON. As many as the 81 per cent below?

Mr. HIBBARD. Yes; at that particular moment I had more in my mind the effect of legislation of one kind and another on the employer.

Commissioner GARRETSON. But what was the origin of the legislation and what was its purpose, for the employee or for the employer?

Mr. HIBBARD. You mean——

Commissioner GARRETSON (interrupting). Sanitary and humanitarian legislation.

Mr. HIBBARD. Oh, undoubtedly for the workmen.

Commissioner GARRETSON. Therefore the proportion of employers affected by it is not really generic, but the proportion of employees?

Mr. HIBBARD. Yes; but my own theory would be that in those plants that hire men there were certain vicious cases, of which we all know, but my own impression is in the larger plants the sanitary conditions were better. In our own practice, we find the shops that have to be jacked up the hardest are those not so large. The big shops, the good shops, are sanitary and well lighted and good air and all that sort of thing.

Commissioner GARRETSON. In other words, in the big shops the union, through the force of members and number of members, can exercise an influence it can't in the small shop, isn't that true?

Mr. HIBBARD. Yes; that statement is true; but I don't see what bearing it has on what I said just before.

Commissioner GARRETSON. The amount of pressure that they put on the employer to better conditions is more than in the industries that are small?

Mr. HIBBARD. Yes. You said a moment ago that I left a statement open to broad interpretation. Now, you are—you are inferring the only corrections made in the shop was due to the force of the union. But that is not true.

Commissioner GARRETSON. I grant you that is not true, but according to your own testimony they did build the fire.

Mr. HIBBARD. Beg pardon?

Commissioner GARRETSON. They built the fire that put the pot to boiling.

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. You operate no employment bureau in the National Metal Trades?

Mr. HIBBARD. Not from the national office.

Commissioner GARRETSON. Are the majority of your members also members of the N. A. M.?

Mr. HIBBARD. I don't know that, but I should say no. As a matter of fact, I am quite sure no. There may be individual members.

Commissioner GARRETSON. But such of them as are could avail themselves of the employment agency of that institution, could they not?

Mr. HIBBARD. That I don't know.

Commissioner GARRETSON. Have you seen the testimony of the director of that agency?

Mr. HIBBARD. No, sir.

Commissioner GARRETSON. You used the statement that a boycott is a dangerous weapon.

Mr. HIBBARD. Perhaps I should have said a powerful weapon. It is dangerous unless advisedly used.

Commissioner GARRETSON. Do you believe it is equally a dangerous weapon regardless of where it is directed and is equally a vicious weapon?

Mr. HIBBARD. A 16-inch gun is a dangerous weapon. I am not talking about what you point it at.

Commissioner GARRETSON. Then a boycott of men on account of union affiliations is equally vicious with—as a boycott if directed against manufacturers?

Mr. HIBBARD. I am not in favor of such a boycott as that.

Commissioner GARRETSON. Does it not exist absolutely in a large number of shops in the country?

Mr. HIBBARD. I didn't get that. What is the question?

Commissioner GARRETSON. Are there not a large number of places where the fact that a man is a union man will bar him from employment?

Mr. HIBBARD. Well, barred may be relative. I don't know of very many places of my own personal knowledge where every single man in the place is a nonunion man.

Commissioner GARRETSON. Every single man may not be a nonunion man.

Mr. HIBBARD. Put it the other way around. I know very few places where men would be barred because he was a union man.

Commissioner GARRETSON. But there are such places?

Mr. HIBBARD. There are where we have had trouble.

Commissioner GARRETSON. Is a boycott of that character less criminal than a boycott of a product for any reason, for unfair reasons, we will say, for being on the unfair list?

Mr. HIBBARD. I do not know as I can answer the question. In other words, I can conceive of reasons why, for a man's absolute protection, if he has got to run away, he does. If men want to refuse to buy, I suppose they can.

Commissioner GARRETSON. Don't you believe that if one man, for his own protection, financial protection, boycotts union men in employment that he is on as bad moral and legal ground as that man is in refusing to purchase a product if what he believes is for his own financial protection?

Mr. HIBBARD. As an individual act, yes; he has got just as much right.

Commissioner GARRETSON. And in reality is there any difference between the system of passing men around through a series of factories by an interchange of information; is the result of it any different as applied to men as to what a boycott is as applied to goods?

Mr. HIBBARD. I don't understand what you mean by that first condition there.

Commissioner GARRETSON. No. It is stated before this commission that in employment agencies which are maintained that interchange of information as to the causes of discharge of a man can be secured by any man a member of that association.

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. It is admitted that agitation is one of the seven deadly sins.

Mr. HIBBARD. Yes.

Commissioner GARRETSON. Now, if information on this basis is circulated that bars a man from employment, that is a boycott of the man, isn't it?

Mr. HIBBARD. Well, Mr. Garretson, suppose a man is a drunkard, would he be proper? Suppose a man was dishonest, would he be proper?

Commissioner GARRETSON. Does the union place it in the category of that?

Mr. HIBBARD. No; I haven't said that.

Commissioner GARRETSON. I didn't think you did.

Mr. HIBBARD. I can——

Commissioner GARRETSON. Bear in mind I wasn't charging you with holding any opinion of that kind.

Mr. HIBBARD. You are jumping now from agitator to unionizing.

Commissioner GARRETSON. From what?

Mr. HIBBARD. From an agitator—you were talking about agitator.

Commissioner GARRETSON. Sure, I was. And I have seldom heard it applied in industrial circles to anyone but a union man.

Mr. HIBBARD. Yes; I know you have. And also it is true there are cases where you have heard union men talked about without their being called agitators?

Commissioner GARRETSON. In that instance——

Mr. HIBBARD. I think it is equally true that there are men that are not agitators.

Commissioner GARRETSON. The man who used the word qualified it by meaning the criticism of conditions or the advancing of the organization.

Mr. HIBBARD. Well, that is a question of degree. I don't object to a man's advocating another man to join the union if he wants to. That doesn't constitute an agitator, in my mind. An agitator is a man that is causing discontent and unrest and all the other things. Now, a certain amount of discontent is all right—we appreciate that—that is one of the steps of progress, we will say.

Commissioner GARRETSON. Well, narrow it to unionism; would you consider the barring of a man through a wide area from employment because he was a union man as a boycott against the man?

Mr. HIBBARD. Well, if that is all they had against him, why, I should not be in favor of it.

Commissioner GARRETSON. In touching upon violence, you spoke of the fact that there was a moral obligation resting upon the employer to protect the strike breaker. Have you ever noticed in any employer the fact that that recognition of moral obligation was much more lively than some others—some other moral obligation?

Mr. HIBBARD. I don't understand you, Mr. Garretson.

Commissioner GARRETSON. Have you ever known an instance where an employer whose sense of moral obligation to his employees was somewhat dormant in general?

Mr. HIBBARD. Yes, sir.

Commissioner GARRETSON. Where he might have a very quick sense of moral obligation for protecting the strike breaker?

Mr. HIBBARD. He might.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other question?

Commissioner DELANO. Yes; one.

Chairman WALSH. Mr. Delano would like to ask you one question.

Commissioner DELANO. Mr. Hibbard, I understood you to say that the boycott was a dangerous thing, or some words to that effect. I did not get the impression that my fellow commissioner did from your remark, but I wanted to see if I perfectly understood you. In saying it was a dangerous thing, did you mean by that that it could not be used—should not be used in any case?

Mr. HIBBARD. I am not prepared to say that.

Commissioner DELANO. Is your view illustrated, perhaps, by this, that you would say, for instance, that a six-shooter was a dangerous weapon?

Mr. HIBBARD. I should.

Commissioner DELANO. You would say that it was unnecessary to carry in a perfectly civilized community where every citizen was protected, and all that sort of thing?

Mr. HIBBARD. Well, Mr. Delano, I think most of us are opposed to the theory of boycott. Whether it is proper to be used under any conditions or not is a matter that has bothered the biggest courts in our land, and I don't think that I would attempt to say whether it was ever permissible or not. I merely—my primary object in speaking of it as I did was merely that it was a tremendous engine for good or ill, with tremendous powers. Therefore it should not be handed over to little boys to let play with.

Commissioner DELANO. That is all; that is the impression I got.

Commissioner GARRETSON. Mr. Chairman, just one thing I want to draw the attention of the commission to; that is, it was testified here that a union-labor community is not a civilized community; therefore his example does not apply.

Commissioner DELANO. I did not say that.

Mr. HIBBARD. Those are not my views, Mr. Garretson.

Commissioner DELANO. The commission don't hold that view, nor the witness.

Chairman WALSH. That is all, thank you.

Mr. THOMPSON. Just a minute.

Chairman WALSH. Excuse me, Mr. Thompson; I intended to ask you if you had some more questions, but I forgot.

Mr. THOMPSON. Would you approve of the bringing any pressure to bear on an employer to prevent his employing union men?

Mr. HIBBARD. Why, to answer the question generally, I should say no. There might be specific cases where I would recommend it.

Mr. THOMPSON. Is such pressure used, if you know?

Mr. HIBBARD. Yes, sir.

Mr. THOMPSON. It is?

Mr. HIBBARD. In specific instances.

Mr. THOMPSON. Is the business of your members comparative?

Mr. HIBBARD. Not in any way. I pointed out yesterday they were automobile builders or chain manufacturers. The field is very diversified. If you mean, Mr. Thompson, by your question to imply that there was any kind of a price agreement, or an agreement of any kind of that character——

Mr. THOMPSON. No.

Mr. HIBBARD. There is no such thing, owing to the character of the personnel of the association, which makes it impossible.

Mr. THOMPSON. I take it—the question is to bring out this point: Whether or not the competitive nature of the business limits the wages, hours, and conditions of the men in your shops?

Mr. HIBBARD. Yes, it does; and for the reason also that Mr. O'Connell pointed out—that is, that the National Metal Trades Association presumably only has a very small percentage of the number of employers in these various lines in the country. Economically, shorter hours and higher wages mean that the public will pay more for that particular thing.

Mr. THOMPSON. Has your association kept any records of the relative costs of work in an open shop and work in a union shop?

Mr. HIBBARD. No, sir.

Mr. THOMPSON. You have not?

Mr. HIBBARD. Only sometimes a strike develops that—that is, from a condition of complete unionization, complete control, after the strike is over and you are running under different conditions the economic effect is very apparent and different.

Mr. THOMPSON. Well, have you made any study, for instance, of the way——

Mr. HIBBARD. Not systematically, in the way that you are asking your question; no, sir.

Mr. THOMPSON. If there was any change of cost, that cost would be felt by the consumer?

Mr. HIBBARD. Oh, I think so, because in the great run of machine shops the profits are not so large as we are sometimes told.

Mr. THOMPSON. Well, are the wages paid to the men an appreciable part of the cost of the product?

Mr. HIBBARD. A very material part.

Mr. THOMPSON. Do you think there is a difference between refusing to patronize or employ and bringing of pressure to bear upon others to keep them from patronizing or employing?

Mr. HIBBARD. Read that again, please, Mr. Thompson.

Mr. THOMPSON. Do you think there is a difference between refusing to patronize or to employ and the bringing of pressure to bear upon others to keep them from patronizing and employing?

Mr. HIBBARD. Oh, I don't know how to answer that question.

Mr. THOMPSON. Perhaps let me state it another way: Is there any difference, in your opinion, first, as to whether the refusing to employ is any more serious than refusing to patronize; and, next, whether there is any difference between doing it and bringing pressure to bear to have it done?

Mr. HIBBARD. Well, you are getting—it is a hard question there. Are you talking about individual acts or collective acts, or what?

Mr. THOMPSON. Well, it is more or less of an abstract question, I take it.

Mr. HIBBARD. Yes; I can't answer it categorically.

Chairman WALSH. Just let it go.

Mr. THOMPSON. That is all.
Chairman WALSH. That is all, thank you, Mr. Hibbard.
Mr. THOMPSON. Mr. Fry.

TESTIMONY OF MR. CHARLES W. FRY.

Mr. THOMPSON. Mr. Fry, will you give us your name, your address, and your present occupation?

Mr. FRY. Charles W. Fry. I am business agent of the machinists; address, 106 North La Salle Street.

Mr. THOMPSON. What jurisdiction territorially speaking have you as business agent, the city of Chicago?

Mr. FRY. At the present time I am business agent for one local exclusively, men employed in the building construction work.

Mr. THOMPSON. Building construction work. Are you acquainted with the metal workers in this city? Are you acquainted with the general metal workers' condition in this city?

Mr. FRY. Yes; I am.

Mr. THOMPSON. What is the situation of the workers?

Mr. FRY. The metal craft of this city are composed of some groups, 10 or 11 various organizations working in the metal line, such as machinists, pattern makers, blacksmiths, electricians, sheet-metal workers, and molders, etc., grouped under what is known as the metal trades council. This council is not organized for the purpose of sympathetic strikes or things of that nature, but simply to assist one another, the different organizations, in organizing men, getting better conditions, conciliation, etc., with various employers. They have never had a sympathetic strike in the metal trades organization of this city to my knowledge in the last 10 or 12 years. They have at various times up until about 11 or 12 years ago, possibly 10 years ago, had agreements with the manufacturers' association in this city.

At the present time I believe the molders are still making agreements with the foundry men's association and the metal trades association to-day. Some 10 or 11 years ago, I think it was in 1903, the last agreement was made with the Chicago Metal Trades Council. Mr. Hibbard was one of the committee who signed that agreement. The following year the Chicago Metal Trades Council went on record to abrogate the agreement as to hours. A year or two previous to that there had been a general movement throughout the country for the nine-hour day. It had been obtained by shortening the hours on the step-rate plan, half an hour each year, until finally in 1902, I believe, or 1901, we secured the nine-hour day.

The formation of the Metal Trades Council of Chicago was next, and the unions, in conjunction with the manufacturers, assisted materially in getting this. And as I say, we made agreements in 1902 and 1903, but in 1904 we broke. This is the agreement that was signed in 1903, and Mr. Hibbard's name appears on it representing the John Davis Co. at that time.

As I said, we probably would have got together in 1904, only the manufacturers desired to break. The one thing that we had fought many years for, the shortening of the workday—the wages was not such a material proposition—but they posted notices in all the shops that on a date, that on and after a certain date the hours would be 9 hours a day, 54 hours a week, or as many hours as they wished to run. That is the time we broke with the Chicago Metal Trades Council and with the National Manufacturers' Association.

In my opinion, they are one and the same thing. I want to submit, if it pleases the commission—and in my opinion that evidence can be obtained much better from the manufacturers' association themselves, or through their attorneys, who are hired to assist them in these various affairs, than it can through us union boys, because they have got it complete.

But as an exhibit to show that the Chicago Metal Trades Council and the National Metal Trades Association are one and the same thing, I submit a copy of the Chicago Metal Trades Association firms and also the National Metal Trades Association. They are one and the same thing.

Mr. THOMPSON. Hand those to the stenographer.

(The papers so presented were marked "Exhibit 1" and "Exhibit 2," Witness Charles W. Fry, July 25, 1914.

The pamphlets entitled "The Following Firms are Members of the Chicago Metal Trades Association, May 1, 1904," and "Officers and Members of Na-

tional Metal Trades Association, March, 1906," were submitted in printed form.)

Mr. FRY. As I say, we broke at that time; and since that time there has been no agreement between us. Some of the members of their association quit their association at that time and made agreements with us. I would be very much pleased if this commission will make a personal investigation of the conditions in union shops and of the conditions in nonunion or open shops. While I am on that question of open shops, let me say, Mr. Chairman, that the kind of open shop in the minds of Mr. Hibbard, Mr. Piez, and the gentlemen who belong to the association means absolutely a nonunion shop. In Mr. Piez's shop, the Link Belt Co., I do not believe you can find a union man with a fine-tooth comb. There is no such thing as one. There, if he joins the union, he is discharged immediately, for cause, not because he belongs to the union, but for some other cause. I have an anonymous letter here that was handed to a member of the commission by a machinist who worked for the Link Belt Co. It does not prove anything in particular, only that, as the poor fellow says, he worked for him several years. He would not be allowed to come before this commission, probably, and state his reason or his grievance, but he has put it in writing in his humble way. He did not sign any name to it, and, I presume, the members of the commission will not say I shall file it.

Mr. THOMPSON. Do you yourself know who the man is?

Mr. FRY. No, sir.

Mr. THOMPSON. I say do you know who the man is?

Mr. FRY. No; I do not know the man or the origin of the letter. It was handed to a member; written to one of the members of this commission, and I secured it from him. It is not addressed to anybody particularly. It says that he worked for him for several years, that he finally joined the union, and the next day after he joined the union he was discharged. I do not know that that letter is of any value. If it is, you can have it.

Mr. THOMPSON. Has your organization, Mr. Fry, any agreement now with the people in the metal trades in this city, the employers who are not connected with these associations?

Mr. FRY. Yes, sir.

Mr. THOMPSON. You have?

Mr. FRY. Yes, sir.

Mr. THOMPSON. In round numbers, or in a general way, what contracts have you got, how many and with what kind of shops?

Mr. FRY. We probably have agreements, if not written agreements, verbal agreements, with the most of the organizations; I might say, in the metal trades they consider that a verbal agreement is as good as a written one—if a contractor breaks his word he will break his bond. It is immaterial in that respect. Probably 50 per cent of the shops in this city are under an agreement or are working with nonunion men in them thoroughly organized in them, and so understood by the employer, and working under working rules furnished by the organization. In those shops, Mr. Chairman—Mr. Thompson, I mean—the conditions will be found to be so much greater, the class of men, the type of citizens in those shops will be so much greater than the ones working in the nonunion shops, as much difference as there is between day and night.

Mr. THOMPSON. Would you furnish this commission with a list of the shops which you would want to have investigated as showing the conditions that exist under unionism?

Mr. FRY. I would be very much pleased to furnish a list of some of the union shops and some of the nonunion shops, and to have a comparison made of conditions, and so forth. I will agree to this that in some of those nonunion shops the view from the outside is grander than it is from the union shop. I will agree that probably Mr. Piez, the Link Belt Co., on the South Side, has a splendid outlook from the outside. It looks just as nice as a bridal chamber does, but at the same time the conditions existing are not as good as in the union shop. I want to say further that what union men want, as a rule, is a sanitary condition. He does not care about the shower bath in the shop. And even the girls in their workroom do not care about those swell, elaborate rest rooms. They would much rather have better wages and shorter hours so that they can enjoy the rest rooms and the bathrooms, and so forth, in their own homes. That is what they are fighting for now, not for these things like there are in many of the shops.

Mr. THOMPSON. In your opinion, is there a great deal of discontent in Mr. Piez's plant, the Link Belt Co.'s place?

Mr. FRY. That would be a hard question to answer, inasmuch as the employees in his plant are all of a certain caliber of men. Just as soon as a man expresses discontentment he is no longer an employee. I imagine though, Mr. Thompson, if this man could be interviewed and taken out from under the influence of Mr. Piez that the discontent would show very plainly.

Mr. THOMPSON. Have you got any specific evidence to submit to this commission which would back up the belief that there is discontent there? Could you indicate either privately, or to the commission here publicly, any such evidence?

Mr. FRY. I haven't anything definite. I imagine, though, if the commission could interview some of the men employed there privately that that discontent would show very plainly.

Mr. THOMPSON. What are the relations between the various metal trade-unions in this city, one with another?

Mr. FRY. Very friendly. No jurisdictional questions of any kind occur. They settle them all within the council.

Mr. THOMPSON. Has that been so a great many years?

Mr. FRY. Practically always. More so since the council was organized.

Mr. THOMPSON. How many different classes of unions in the metal trades-union?

Mr. FRY. I believe about 10 or 11, I am not entirely sure on that.

Mr. THOMPSON. Would you mind naming them?

Mr. FRY. Machinists, sheet-metal workers, electricians, blacksmiths, boiler makers, pattern makers, molders, polishers, engineers, probably one or two others that I fail to recall at this time.

Mr. THOMPSON. Have they any organization between themselves—have they any council?

Mr. FRY. They have—each one of these trades is a national organization, or a local of an international organization, and many of them have some three or four locals in this city. Those three or four locals have what is known as a district council, and that district council, where there is one, is affiliated with the metal trades council.

Mr. THOMPSON. Now, Mr. Fry, how long have you been with the machinists' organization?

Mr. FRY. As the business agent, a little over nine years.

Mr. THOMPSON. And you have been otherwise connected with it for how many other years?

Mr. FRY. For the last 20 years.

Mr. THOMPSON. Have you had any occasion to study the labor problem?

Mr. FRY. I have had it confront me quite forcibly.

Mr. THOMPSON. What opinion have you as to whether or not there is a state of unrest existing in the ranks of labor in and around Chicago and elsewhere?

Mr. FRY. Well, there is—of course, there is at this time a depression in business which throws a great number of men out of employment. That in itself establishes a feeling of unrest.

Mr. THOMPSON. I mean irrespective of that.

Mr. FRY. At the present time the relations between the employees and the employers, especially in the metal trades craft, are not very friendly. They are strained in great measure, and that in itself produces considerable unrest. At this time also there is a feeling on the part of a great many of us that the employer has the benefit of the courts and all the machinery and laws, and so forth, and that big business interests are getting much the better of all those decisions. In other words, that the poor are getting poorer and the rich richer.

Mr. THOMPSON. Well, what remedy have you, Mr. Fry, or what do you think could be done, in a personal way?

Mr. FRY. Well, that is a pretty broad question, Mr. Thompson. I believe that this commission can accomplish much good in a conciliation manner. I would not be ready to express a willingness to agree to arbitration with conditions as they are. But I really believe that the commission in its way of conciliation between the employer and the employee could do much good. And I believe that if the proper investigation was made, that if, irrespective of what I say, or Mr. Hibbard, or Mr. Piez, or anybody else from either side do say about this question, that if the thing was went right into and an investigation made of the various plants, of the wages that are paid in the union shops, and the wages that are paid in the nonunion shops, that the commission would be satisfied in itself that they would find some remedy for the evil.

Now, I can't tell you what to do to make business good. Some of the big business men, if you get them in here, could do that a good deal better than I could. Marshall Field's representative here, who grew from the ranks of labor and had amassed probably a million or more of dollars in that time, could tell you better how to make business good, possibly by loosening up some of that million, than I could.

Mr. THOMPSON. We are not interested in the business situation, Mr. Fry.

Mr. FRY. Oh, all right.

Mr. THOMPSON. Referring to the courts, is there anything definite in the action of the courts that has given you the feeling you have in regard to them, any specific cases or any line of decisions, or is it a general feeling that you have?

Mr. FRY. Why, it is a general proposition that every time a union man appears before the courts that not only prosecution but persecution—they try to make him suffer to the fullest extent. That is true in every single instance almost. There is no exception, to my mind, between the courts, the high or the low courts, or any other courts, they are all the same.

Mr. THOMPSON. Are you speaking now of all the courts, or what kind of courts, the courts that issue injunctions or the lower courts, the police courts as well?

Mr. FRY. Every one of them, no exceptions to any of them that I know of.

Mr. THOMPSON. Have you made a study of that, Mr. Fry?

Mr. FRY. Well, I believe that my organization, the organization that I belong to and represent in a way, has had more injunctions served against us than any other one in the city, so that my familiarity with it hadn't ought to be doubted.

Mr. THOMPSON. Take the police courts. What about them more specifically?

Mr. FRY. The police courts—I have heard a good deal said that we ought to have laws restricting injunctions, and so forth. Now, it doesn't appear to me they are going to do much good as long as the police force and the city authorities are at the beck and call of the employers, so that they may arrest people for disorderly conduct. Whether they convict you or not, the mere matter of men who are engaged and women who are engaged in strikes being arrested and thrown into jail is in itself enough to intimidate the men and women so that they will lose their interest in the strike itself. That is the case in all strikes. It don't cut any figure they don't get a conviction in all those cases.

Take the late strikes of the waitresses, and so forth. Although hundreds of these girls have been arrested no convictions have been obtained; still they are intimidating these poor girls at the same time. In our strikes in the past 10 or 11 years—we haven't had many of them in the last 5 or 6 years; we saw to it that we kept out of them when we realized that the cards were stacked against us, and we have had to accomplish what we desired in some other way than the matter of going on strike, because we knew the manufacturers have got the courts, and so forth, at their command.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Do you want to ask any questions, Mr. Delano?

Commissioner DELANO. No.

Chairman WALSH. Mr. O'Connell would like to ask you some questions.

Commissioner O'CONNELL. Mr. Fry, have you any knowledge as to the methods employed by the local Metal Trades Association of Chicago, as to their method of employing workmen?

Mr. FRY. Yes, sir.

Commissioner O'CONNELL. What are the plans that they follow—the methods?

Mr. FRY. They have an employment bureau established over here on Dearborn Street. Men apply there for work and they are asked—I might say, Mr. Chairman, that before applying there, if perchance a man should go to a metal trades shop, that he is handed a card with the address of the employment bureau on it and told that he must apply there; that they don't hire any men at the shop door, they hire them through the employment bureau. If he makes application there, he waits in a line and takes his turn, and finally a clerk asks him what his business is, what his vocation is, his trade, where he has worked before, and so forth. And he telephones into the next room and the man in the next room looks up a file. And it is common knowledge, as far as the machinists are concerned—at least in this town—that there is a record, a file of every man in this town who has ever applied to the employers' association bureau for work. There is not only a record of the men who are employed there, who

have applied there, but a record of every man who works in these shops there, the union or the nonunion shop, because it is unfortunate that they have their policemen amongst us, and they know who are union men and they know more about us, some of them, than we know ourselves. And it is a fact that there is a record of every man kept. And I can furnish you, Mr. Chairman—and I believe that the association bureau itself could furnish you in a much better state and much more complete than I could—the complete list and a copy of all their application blanks and their records, how they are kept, and so forth.

Commissioner O'CONNELL. Well, we will get all those, Mr. Fry. What I want is to get at just the method as you see it.

Now, if this local association of the national metal trades maintains a card-index system of some character, with the names of the various trades of the men who have applied to them or live in the city of Chicago, have they a record of their causes of discharge from various shops where they may find employment earning their livelihood in the city, and is that list used in a manner to appear as preventing a man from securing employment in one shop after he leaves another or is discharged in another? Is it used in a way you believe to blacklist the employee?

Mr. FRY. I believe, Mr. O'Connell, that it is absolutely a boycott list in the most aggravated form. I believe that it is gotten up, not by the manufacturers, but by the shrewd attorneys that they hire for that purpose itself.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Any other questions? Mr. Thompson wants to ask you some more questions.

Mr. THOMPSON. Do you have a system of fines in your own union?

Mr. FRY. Fines?

Mr. THOMPSON. Yes.

Mr. FRY. We have a constitutional provision applying to men who do something against the organization, yes; and try them and fine them in the meetings by the members themselves.

Mr. THOMPSON. If a local fines a man, is information of that fine sent to other locals?

Mr. FRY. Not necessarily so, but it is common property of the organization, inasmuch as our locals are open to all members of our organization, and when anything like that is going on, of course, there is lots of them interested in it.

Mr. THOMPSON. Suppose a man has been subjected to a fine by your organization and has failed to pay it, and he should apply for work in a closed or union shop, would he be permitted to work there?

Mr. FRY. Not if the amount of that fine equaled a sufficient number of months' dues so that he would be suspended. He would automatically suspend himself and would not have any card.

Mr. THOMPSON. That would result in throwing the man out of work and preventing him having work, would it not?

Mr. FRY. It might, Mr. Thompson, but there has never been a case of that occurred to my knowledge in this city. There is always, the man if he was fined he was sufficiently guilty to acknowledge the fine, and then if he could not pay it, arrangements were made so that he would have time to pay it or something.

Mr. THOMPSON. How would you compare the action of the employer in having some objection to a man and refusing to employ him, for instance, if he was a union man, and the objection which the union would have in refusing to permit a man to work in a shop because he had not paid a fine? What difference is there between that action, if any?

Mr. FRY. The union man would attempt to get the nonunion man to join the organization, or if he was under suspension from his organization, to get him to pay the fine, to conciliate with him and advise with him, and loan him money possibly and help him out, whereas the employers' organization would not consider for a moment the employment of the union man.

Mr. THOMPSON. Do you permit your men to work in open shops?

Mr. FRY. We do; yes; providing they get the money, wages, etc., that the organization sets out to get.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. That is all. Thank you, Mr. Fry.

Call your next.

TESTIMONY OF MR. T. E. DONNELLEY.

Mr. THOMPSON. Mr. Donnelley, will you give your full name?

Mr. DONNELLEY. Thomas E. Donnelley.

Mr. THOMPSON. And your address?

Mr. DONNELLEY. 731 Plymouth Place.

Mr. THOMPSON. And your business, Mr. Donnelley?

Mr. DONNELLEY. Printing and publishing, binding and engraving.

Mr. THOMPSON. Where are your plants located, and what is the name of the company?

Mr. DONNELLEY. The name of the company is R. R. Donnelley & Sons Co. The main plant is at 731 Plymouth Place. A branch plant is at Twenty-first and Calumet Avenue, and we are operating a small plant in Indianapolis.

Mr. THOMPSON. About how many employees, in round numbers, do you have?

Mr. DONNELLEY. Over 1,000.

Mr. THOMPSON. How long has your printing plant, or the plant of R. R. Donnelley & Sons, been running?

Mr. DONNELLEY. Well, my father came to Chicago just 50 years ago this year. It has not been a continuous concern since then, but the present corporation has been running just 25 years.

Mr. THOMPSON. In the course of your connection with the firm have you had occasion to study the labor problem?

Mr. DONNELLEY. Well, I don't know as you would call it study, I have had a lot of experience.

Mr. THOMPSON. Well, call it experience, then. In the printing trades there are organizations of workers into unions, are they not?

Mr. DONNELLEY. Yes; I think all the trades are organized. I didn't know that the binder girls were organized until I heard it here yesterday, but all the other trades are.

Mr. THOMPSON. How many trade organizations in the printing industry that you can state yourself, that you have knowledge of?

Mr. DONNELLEY. Well, there must be 10 or a dozen, I would have to stop and count them over.

Mr. THOMPSON. Are those trades organized now in your plant or not?

Mr. DONNELLEY. They are not.

Mr. THOMPSON. Have you at any time had your plant organized in any one of the trades?

Mr. DONNELLEY. We have had them organized in all of the trades. The main trade which we employ are the compositors—typographical union—the pressmen, the feeders, the binders, and engravers. Those are the main trades, but we employ a few engineers and machinists, and so on.

Mr. THOMPSON. Have you had a written trade agreement with these unions?

Mr. DONNELLEY. That is quite a history.

Mr. THOMPSON. Well, will you give us your history in your own way, then?

Mr. DONNELLEY. The first trade agreement between the printers of Chicago and any of their trade was an agreement entered into along about 1900 between the printers and the feeders. The feeders had an uncomfortable way of coming to us suddenly and demanding a raise in salary at any time whatsoever, with the insistence that it should be put into effect immediately. Of course, that meant that it had to come out of our pockets and could not be put onto the public, because our contracts had been made, and so we finally said, "If you will make a contract with us, an agreement that any change in the wage scale on either side will be subject to six months' notice, we will give you the raise."

That agreement was signed up, and after about a year and a half we all received notice on our desk one morning that the next Monday morning the scale would be raised $3, which was about 20 per cent. We notified the union that that wasn't according to the agreement, and they said they didn't give a blank for the agreement, they were going to get that money, and we might just as well come across. That resulted in a strike. That was the first general strike we had in the printing business that I remember.

The strike resulted in 133 cases of assault, and finally in one murder. The strike was never settled, because we never again—that is, I say never again—a great many of the employers never again had anything to do with the union and are still running with nonunion feeders.

The next agreement we had with the labor union was their national one. In 1901 Mr. Higgins, of the pressmen's union, came before our national body and asked if we could not make a national agreement which would prevent strikes

and lockouts. A committee was appointed from our organization, called the United Typothetæ, to deal with a similar committee from the pressmen. It being agreed that all we could do would be to agree upon a form of agreement which would have to be referred back to our national convention. I was a member of that committee, and I drew the terms of the contract—that is, I suggested them. Our national body is a body in which we do not attempt to control our members. Everybody in our membership has the right to do what he likes, and anything that is done by the officers must appeal as reasonable to our members for them to accept it. We had at that time throughout the country some of our members who were not employing union pressmen, although the majority of them were. We plainly told the pressmen that we could not compel our members to employ union pressmen, or unionize, but we were willing to go so far that if we made an agreement between them for hours and wages, and they would agree that our living to the wage scale and our scale was a fulfillment of that agreement, utterly regardless of the employees' union affiliations, we would compel our members to accept it. In other words, it was the first start of collective bargaining. The basis of that bargain was that the employers would insist that their fellow members should pay the wages and live up to the shop practices, that a man could run a union, or nonunion or open shop, as he liked. In fact, any employer who employed a man under those conditions was living up to the terms of the agreement, and there could be no strike.

That agreement was put through our special convention of the typothetæ with considerable difficulty, but it was accepted and morally lived up to after that. It was also accepted by the pressmen.

We operated for five years under that agreement. During that agreement there was one strike in Boston. I think Mr. Findlay spoke of that strike in Boston where the men went out individually. There were 18 disagreements, not one of which had to go to an arbitration. Mr. Higgins testified that during the life of that agreement the union grew 60 per cent, and there was not one case where the union had complaint to make that the employer had dislodged a union man for a nonunion man or changed the conditions in any way whatsoever, That agreement was for five years, running to 1907.

During 1905 the typographical union struck for an eight-hour day, which was resisted by a great many of the members of the typothetæ. I would think that with the exception of Boston the pressmen stayed on their presses during that strike.

During the convention of 1906 the pressmen authorized a committee to renew the contract with the typothetæ provided the eight-hour day was agreed to within a reasonable time. The men on the committee appointed by the typothetæ were not given authority to finally close that agreement, because the unions were asking for something they did not have, and we had to submit it to our membership. When we came to that meeting we asked Mr. Higgins plainly if he had authority on his part to close an agreement if our convention would accept it, and he said he had; that the only question in their minds was the fact of what was a reasonable time. There was a great deal of discussion about that, some members of the committee thinking that instead of a 48-hour week we ought to come down gradually in two hours for three years, and then let the future take care of itself.

But finally it was agreed that a year and a half from the time of signing the agreement, that that was sufficient notice to the publishers to arrange their business so that they could go—48 hours a week, and the agreement was signed. We called a special convention and accepted it, and supposed that everything was closed.

Mr. Higgins had been the president of the pressmen's union for quite a number of years. I would say that I never remember of my father ever telling of a strike of the pressmen, and until that time, 1907, there had never been any strike or any fight of any kind with the pressmen in Chicago that I know of.

Mr. Berry, representing the radical element of the union, was anxious for the position of president, and he wanted to make an issue. He made an issue on the fact that this agreement was an open-shop agreement. He took it to the convention, and by a vote of 162 to 93 the convention decided that they would not accept the agreement, and that their officers exceeded their authority, and that unless the typothetæ excluded from the agreement the open-shop clause they would take a vote about going out for the eigh-hour day immediaely.

That committee met the convention of the typothetæ, and the typothetæ refused to consider the change in the agreement. This was supposed to have been agreed to after a referendum. The Chicago union, on the week before October

1, Saturday night, had a meeting. At 11 o'clock that night a printed notice was mailed to the typothetæ that within one week the eight-hour day would be put into effect. I remember that I personally had some very important contracts on the press, and I kept away from the office as long as I could. They finally got me Friday. They came into my office and said, "Are you going to give us an eight-hour day Monday?" I said, "No; I am not going to give you the eight-hour day on Monday. I am going to give you the eight-hour day on the 1st of January, 1909, according to the agreement." "Then you won't give it to us?" "No."

They blew the whistle and 150 employees from my pressroom were on the street. That was the pressmen's strike.

They also struck in New York, but they did not strike anywhere else. They struck in Milwaukee, but all the other places in the country continued work under their agreement to January 1, 1909, and the eight-hour day as promised was established at that time.

We had other labor troubles, too. We had a strike of the typographical union. The typographical union in 1905 decided to inaugurate the eight-hour day. We had conferences about it. We agreed to disagree. They started the strike. The strike was resisted by about, I think, 600 members throughout the country; I am not sure. The result was that a great many of the officers went open shop, and have remained open shop since.

We had a strike in our bindery. Our bindery men were unionized. The girls in the bindery had never been unionized. They started a bindery union. And they put the proposition up to me, and at that time I had no reason to object, and I said, "Anybody can join the union that likes, without discrimination."

I had a delegation of 25 girls come to my office, who had started working in our place and had never worked anywhere else, and stated they did not want to join the union, and asked if they had to. I assured them that they did not, and because I would not make the 25 girls join the union the union struck.

We also had a strike with our engravers. Our engraving shop is union under a written contract. The contract expired, and they brought me a contract to sign and I said, "I can't sign that contract; I will not sign any closed-shop agreement. I assure you I will make no change in the union conditions there. Of course, I recognize your right if I do, for you to strike." And they struck and insisted on me signing the agreement. That is nonunion.

That is the story of my union experience. Now——

Mr. THOMPSON. Go ahead. Was there anything else that you wanted to say? If you do, state it just now.

Mr. DONNELLEY. All right, sir.

Mr. THOMPSON. You say you have a nonunion shop; you mean you have open shop, so-called?

Mr. DONNELLEY. Well, I want to be frank about that. If the unions would accept the open-shop principle—that is, if the unions would agree that their men would work along with nonunion men—our shop would be open. But, of course, the situation of the unions is that they will not accept an open shop. So the only reason why they should put men into our plant is so that they would get an organization in there and again embarrass me. Under those conditions union men do not work in our shop.

Mr. THOMPSON. So that you feel under the conditions of the organization in the printing trades that if members of the crafts were to get into your printing establishment it would be to create trouble?

Mr. DONNELLEY. I would like to say that the shop in Indianapolis does run union. It was under union conditions when we took it, and of course, there has been no desire on our part to change it.

Mr. THOMPSON. Have you made any study, Mr. Donnelley, so as to be able to speak authoritatively as to the relative cost of a nonunion shop, as you call yours, and a union?

Mr. DONNELLEY. Well, I think the most enlightening difference is the difference in our pressroom. This is rather a large subject, and it is pretty hard to handle it consecutively. Of course, union shops always mean a constant increase in cost of production. As machinery is invented, of course unions will accept it, but the unit of efficiency is always decreasing in a union shop, and the cost of labor is always going up.

Now, one of the great reasons that men do not want to run union shops who are carrying on large industries is the fact that the unions interfere with the efficient management of the shop. Now, I know that people have an idea that

employers are trying to beat down wages, that they are in a way hostile to laboring men. Now, that is not a fact. I know, of course, a great many employers, and I would testify, I would back up what Mr. Hibbard says; I think most of the employers are men who want to do good in this world. We employers are in our business, and we feel that the best place for us to work out the cause of righteousness is in our own works. Now, I know that the feeling of employers is that of kindliness to workmen. It is not a question of their fighting unions because unions are helping the workmen, but we are fighting unions because we believe that they are not the best way to help the workingman and that they do harm to the workingman and to the industry and to the public. I would like to make that plain. It is not a feeling of trying to grind down men.

Now, industry has changed in 10 years tremendously. The whole question of accounting and cost keeping has absolutely been revolutionized in 10 years.

When I came into the business we did not have a time ticket in our factory. Nobody had any idea of how many hours of labor it took to do a job, and nobody had any idea how much the price of that hour was after you had gotten the overhead and so forth. Well, there has been a great education in that, and now we have got to this position in industry, that every piece of work which goes into a factory is predetermined before it is worked upon. The results and labor cost of that work is reported next morning, and every unit of labor in the factory, and you immediately know what men are efficient and what men are not efficient.

Now, we all know that the efficient men are the valuable men and the profitable men. Now, in nonunion conditions the theory is to reduce the cost of the unit by offering a prize of increased wages for effort. Now, that is the whole theory of modern industry, to decrease the cost of the unit by offering a bonus so that a man can earn more money by simply attending to his work.

Now, that is not a speeding proposition at all. Everybody always says, "Well, that is a speeding proposition." Of course, there has been a great many instances in our business of the unions slowing up. I know that in the old days of the Franklin Union—that is, the feeder's union—they had a tabulation of just how much they could bluff every foreman in Chicago. Here was the foreman at R. R. Donnelley & Sons. They could bluff him so that they could make him believe 7,000 was a day's work. Here was one over at Rand-McNally's, a little harder to bluff; they had to get off with 8,000 down there. They had that whole thing tabulated, and they carried it through.

Now, I don't think that that is the great factor under union conditions, because I believe that union men as individuals are honest men and they want to give a fair day's work for a fair day's pay. But the proposition is that their traditions, they don't realize what can be done. They go along in a jogging sort of way, they get so much wages anyway, and they don't give that attention to the work of the machine or themselves which really does not mean any more speeding to them, but it means a great deal of difference in results.

Mr. THOMPSON. And that it the reason the workingman is working also, to get a share of the production?

Mr. DONNELLEY. I can't imagine anybody working for anything else.

Mr. THOMPSON. Under the present state the employer with his capital and with his managerial brains must work with the workingman, and vice versa, that is true.

Mr. DONNELLEY. That is a most important thing in the industry, to have the cooperation between the employer and the workingmen. I think Mr. Shedd brought that out yesterday. No concern can be successful unless there is a spirit of cooperation from start to bottom—from top to bottom. That is exactly what the open shop does and it is exactly what the closed shop does not do.

Mr. THOMPSON. I will reach that by several questions. I will go on. Whatever the article may be, in the competive world the producer or the manufacturer always receive a certain price for it?

Mr. DONNELLEY. Yes; competition always fixed that.

Mr. THOMPSON. And that price must be divided, of course, among the various elements that enter into the production?

Mr. DONNELLEY. Yes, sir.

Mr. THOMPSON. The manager for his brains and interest on his capital and workman for his toil and skill and intellect he put into the job?

Mr. DONNELLEY. I don't think the managing goes into the price. I think that is the profit. In other words, the same price and a poor managed business is a loss and a well managed business is a profit.

Mr. THOMPSON. I meant on the general proposition, because if it didn't need any management the workmen could do it themselves, you know. Now, taking that into consideration, that the different elements are there to get their share of the profit or their share of the return, under the open shop, of course, or rather under a nonunion shop——

Mr. DONNELLEY. He gets a larger share under the nonunion shop.

Mr. THOMPSON. But the determination of the share would be determined, or more or less subject to the decision of the employer, would it not be?

Mr. DONNELLEY. No, sir; I don't think it would be.

Mr. THOMPSON. I realize, of course, that outside labor market and the general price appertaining to the industry would be governing features that the employer would take into consideration, but he would be the deciding factor, would he not?

Mr. DONNELLEY. I would think that is a fallacious argument for this reason, that the larger the business gets the more complex, and the more complex the organization the more necessary it is for that man to have a capable productive workmen. Now, you can't get cooperation of work out of a sulky person. They will do their best. So, therefore, the employer must have satisfied workmen. Now the great problem is to get his workmen satisfactory wages and have the unit cost down. That is the whole problem. I would like to explain if I could, the reasons why high-priced workmen are so much more profitable than low-priced workmen. We have in our business, say, typesetting machines. These figures are not correct—say we pay a man 50 cents an hour for setting 2,500 ems, and pay a man, another man, a dollar an hour for setting 5,000 ems. That is apparently paying according to the ability of the man. But there is a dollar an hour expense on the machine whether the man is setting 2,500 or 5,000 ems, so that we are trying all the time to do this, to offer an inducement so that the man will produce a tremendous amount on the machine, and pay him a high wage accordingly. There are quite a number, of course, of printers in Chicago who are running union places. Last year the union pressmen made a demand for an increased wage. The increase was $25 men increased to $27.50, and the $27.50 men increased to $35, and the men instead of running two presses should run one—something like 125 per cent increase—some strong increase. The union employers said they could not afford to pay the wage because of nonunion competition. The union men said that that competition didn't amount to anything, because while the nonunion men were paid lower wages they were less efficient, so that at the request of the union employers an investigation was made of the union shops and nonunion shops. The situation was that they found the nonunion men were getting more money and the unit cost was less. That was the situation right here in Chicago.

Chairman WALSH. At this point we will adjourn until 2 o'clock this afternoon. Meet promptly at 2 o'clock.

(At 12.30 o'clock p. m. Saturday, July 25, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

The commission met pursuant to adjournment.

Chairman WALSH. The commission will please come to order.

TESTIMONY OF MR. T. E. DONNELLEY—Continued.

Mr. THOMPSON. Mr. Donnelley, my idea is not to conduct a cross-examination of you in this matter. What I want to do is to bring out from you, in the experience you have had with the labor proposition, your views for the benefit of the commission, and for that purpose I am presenting different angles that have come up in the study that the commission has made, and in our previous hearings. I preface my remarks so you will understand the purpose is not to confuse or embarrass you, but to bring out rather for the benefit of this commission your opinions and views on different angles of the labor problem.

Now, referring for a moment to the fact that industry is run for profit and that the worker shares in the proceeds of what comes into the business, assuming it is properly run, what method in your mind would best conserve the interests of all parties, that is to say, the manufacturer and the men, in seeing that equitable ditribution should be made to each of the income of the business? Perhaps I might help you a little by saying some people believe appar-

ently that the man who owns the business should be the sole judge; other people believe that the union, perhaps, should have the more deciding voice; and again others, apparently, believe that there should be an agreement or a meeting between them by which there will be a joint consideration of opinion in that regard.

Mr. DONNELLEY. Well, I think that competition entirely settles the matter. I can explain it this way: That if we charged 6 per cent on the investment in our business and we made a horizontal rise of 5 per cent in wages, some years we lose money. It seems to me that in an open competitive business like ours the margin between the entire cost and what you get for your product is very meager indeed, and I can not see any way except the wage system and competition to regulate it.

Mr. THOMPSON. What in that relationship do you mean, concretely, by the wage system?

Mr. DONNELLEY. I mean the wage system that you employ a man to do a particular work for so much money, offering him inducements for efficiency, etc. When the man has performed his duty his obligation is over and the question of whether the business is a success or not is the employer's obligation.

Mr. THOMPSON. Assuming that business is run not unfairly, but run actually on a selfish basis—that is to say, a business man is in business to make money—what check is there on his seeking to exploit labor, we might use that term, in increasing his profits?

Mr. DONNELLEY. I would have to ask you what you mean by the words "exploiting labor."

Mr. THOMPSON. The phrase is commonly used in the discussion of labor matters. Fair employers are at the mercy of unfair employers, and may it not be possible that while this plant, run by a man whose mind was taking into consideration the needs and wants of the other fellow that results in a fair division, still with the unfair employer, using that term in a general sense, the worker would suffer under the scheme.

Mr. DONNELLEY. Well, I have to answer that question from my own experience. I don't want to go afield on a theoretical discussion, but the protection to the worker is the fact it does not pay to exploit labor. In other words, in such industry as I am, the age and situation of the industry is the controlling factor, whether we make money or lose it. To every intelligent employer it is to his advantage to build up a permanent, efficient organization. You can't build up a permanent or efficient organization by paying less than fair wages, and you can't have it by conducting it for selfish interest, and that is the greatest protection to the men that they will be treated fairly.

Mr. THOMPSON. But, looking over the productive field, the cotton mills and other mills, leaving out for the moment your own organization, which may need high organization to produce efficiency, would you say your rule would hold good or does hold good in the industry to-day?

Mr. DONNELLEY. I don't know the cotton industry, but I think that rule always holds good in all organizations of a large number of employees. That is my experience. I do not want to be dogmatic on that.

Mr. THOMPSON. Do you think the workers themselves should have a voice in saying whether or not the efficiency of an establishment should be the sort of criterion by which their pay and work and hours should be regulated? Might not the opinions of employers in that respect differ?

Mr. DONNELLEY. I think the workers have a very large say in that. I don't know of any very large organization that is successfully run, that is run on the open-shop principle, where the employers haven't a free access of protest on anything that they feel is unfair. Now, in my own experience in labor, even when I had union conditions, there never came a time and there never would have been a strike in my place if it could have been settled between my men and myself. It was always somebody on the outside that had some ulterior motive that caused the trouble. I think as the years have gone on the question that what the foremen say is final is over. A foreman ordered some of our men to do something. The men refused to do it; they thought they were justified. The thing came to my attention the next day. I brought them into my office; I didn't want to discharge the men; they were good men, and I wanted to keep them in my organization. I carefully explained to them they were guilty of insubordination, which, of course, is a serious breach of discipline in any factory. I said, "Now, I have no objection to you opposing an order of the foreman, but what you must do is do a thing and object afterwards," and I put up to these men the discipline I had insisted upon to main-

tain discipline in our factory, and they all very willingly accepted it, and that has been the end of it. I think that is quite common in various organizations.

Mr. THOMPSON. Have you any organization in your establishment by which employers may send committees or representatives to take up that problem?

Mr. DONNELLEY. It is not necessary.

Mr. THOMPSON. You think it is not necessary?

Mr. DONNELLEY. It is not necessary. I would have no objection to one if they wanted to, but it is not necessary.

Mr. THOMPSON. Do you believe generally, looking at the industrial field as a whole throughout the country, that unions have been a benefit or a detriment to the workers?

Mr. DONNELLEY. Well, I will answer that in a roundabout way, rather. I don't think unions have been necessary. I don't mean to say that they have not helped in the general improvement, but I had to realize the fact that when I was a young man labor was $1.50 a day; labor to-day is $2.25 for 9 hours' work, when before it was 10 hours. I have to recognize the fact that when I came out of college I hired a very competent stenographer for $9 a week, and she thought she was very well paid. That same girl to-day would get $15 to $18 a week. I have to realize the fact that 15 or 20 years ago we had to pay a cook $5 a week, and now we can't get a competent cook for less than $9 a week.

Now, I do think that all these things have effect, of course. There is some, and there is an effect. But I think the effect that unions have had upon wages has been greatly exaggerated. That is my feeling. And I do not believe that unions really raise wages. I would like to explain what I mean by that.

For instance, take the case of the building trades in Chicago. They are paid an extremely high rate of wages. That is not paid out of any fund owned by employers. That is passed on to the public. And, now, who are the public? The laboring man, the workingman is a very large proportion of it, and they pay it. In other words, now, if that occurs in all trades, in all industries, the same rise, the consequence is everything that we have been using would have gone up just so much more, and we that have been earning, say, $6 a day instead of $4, we would have been paying just so much more for our product. In other words, wages actually would not have been raised. The denomination would have been raised, but wages would not have been raised. To my mind labor has never done anything which has increased production. The only way you can raise wages is increase production; in other words, the more shoes there are the cheaper they will be; everybody will have to have them. Labor unions have never been guilty of increasing production.

Mr. THOMPSON. Have you made any study of the different costs of labor in the open shop and in the closed shop?

Mr. DONNELLEY. Well, I have a case in mind—we run a closed shop, as I told you, in Indianapolis. The labor scale in Indianapolis is lower than it is in Chicago, yet a certain article of production which can be compared is cheaper in our Chicago factory than it is in our Indianapolis factory.

Mr. THOMPSON. What is that due to, in your opinion, Mr. Donnelley?

Mr. DONNELLEY. Well, it is simply due to the fact that in Indianapolis they are working day wages and they are conscientious men. They have got a good crew of men down there. But they have never had a standard put up to follow, and they have never realized that they shall use their brains, and that is not their muscles we want so much; we do not care about that, about them using their muscles. They are not all the time figuring out with their heads how things can be more efficient, and you can produce them more efficiently where we could produce more quickly and eliminate all waste motion. That is the reason, I think.

We tried, at least my manager suggested to me, that we try the bonus system we had here. Of course, I told him it would not go.

Mr. THOMPSON. In your opinion, then, the open shop is more efficient?

Mr. DONNELLEY. It is more efficient. The theory of the open shop is this, it is more efficient for a good many reasons. Labor unions are always putting a hamper upon the shop organization. For instance, in the pressroom, when you are running a union press, the press is run by two pressmen and two feeders in the make-ready; in the make-ready they help, yet there were certain things which the pressmen would not allow the feeder to do, which he

is perfectly competent to do, because it was not his business. Of course, that was expense.

Now, on the newspaper; for instance, the newspaper will have two presses, one press they might run a couple of hours for the early edition, and another press that they run a few hours on the later edition. According to the union rules they must have a crew for a full day on the press they are going to run for three hours, and another crew for a full day on the press they are going to run for three or four more hours, instead of letting the same crew go from one press to another—absolutely a waste.

Now, in the composing room of the newspapers of Chicago and throughout the country they have the rule that anything that is set in another office and is brought to that office must be reset. I may explain. For instance, one of the State Street merchants has a full-page ad. that they want to appear in several newspapers of to-morrow morning. Of course, to write out the copy for a full-page ad. is a great, big job, and is a difficult thing. So they will send over to the Tribune, and the Tribune will set that up, and perhaps the advertising manager or the assistant may go to the Tribune office and help the layout, help the display. When they have that all set up they will take duplicate matrices of it and they will send one to the Herald and one to the American and one to the Examiner. That will be printed in to-morrow morning's paper. Some time during next week in the Herald office and in the Examiner office that entire ad. will have to be reset, proof read, and corrected, and then thrown away, an absolute waste energy. I heard from one of the publishers of this country that the labor absolutely wasted—it might just as well be burned up and thrown out in the street—was enormous. That is an example of the constant limitations which unions are putting around employers.

Now, it is not a question of wages and hours with the employers that we are objecting to in dealing with unions. It is the proposition, and when a union once gets a place they put the screws on and put the screws on and put the screws on. That is the proposition. It is not a question of paying money for what you might call conditions, which is ours, but it is the constant limitation which they are putting on us, which, of course, the public has to bear.

Mr. THOMPSON. What is the attitude of the union toward the bonus system, if you know?

Mr. DONNELLEY. I have had one experience, and heard an employer who had another experience. Before Mr. Berry called out the men in my shop my cylinder-press room was not making money. It was on account of the fact that people were getting—there was not cooperation. I called in five or six of my printing pressmen and explained to them that I would give them the time that it took we had figured it would take us to do a job on the press. For instance, a job on the press has first to be made ready, made so it will print, and then run off. We figured that took 15 hours. We said to them every hour that they saved we will pay them half their wages extra. That appealed to my men, and they went at it. The first week 10 or 15 of my men earned very substantial bonuses. Within a few days the union walked in to see me and they said we could not do that. I said that we could, and they said we could not. I said it was not in the contract, and asked them to arbitrate. They refused, and I had to give in.

Another gentleman, who had a union pressroom, printed almost the same kind of forms day in and day out, year in and year out, had a chance to try it. They agreed with the men what was a fair day's work. Presses run so fast, and the difference between full 100 per cent production and 50 per cent production was the time that the men waste in getting up from their lifts and getting down and taking a drink of water and getting out not early in the morning and running until the last thing at night. So he said he would pay them a fair day's wage and then he would pay them so much a hundred in addition to that. These men earned substantial bonuses. Within three days the union came over and prohibited it.

That is the only experience I have had with the bonus system.

Mr. THOMPSON. How about the photo-engravers?

Mr. DONNELLEY. The photo-engravers in New York at first prohibited a cost system. They prohibited that any man could enter on a slip of paper the amount of time it took him to do a piece of work. After a great deal of negotiation they finally agreed that the office could use slips in regard to the quantity of work done, but not in regard to the quantity of time idle. That was the photo-engravers situation. In other words, they would not stand for a record of their production.

Mr. THOMPSON. Did you run the apprentice school in your shop?

Mr. DONNELLEY. Yes.

Mr. THOMPSON. You may describe that, if you please.

Mr. DONNELLEY. Well, now, I think the greatest charge against the unions is the fact that they limit apprentices. If there is any one thing which this country has stood for it is the fact that the young man has a chance. Unions have tried to close that chance. I understand—I am only now speaking from what I remember in reading—that the great majority of criminals are not immigrants, but are the sons of immigrants. Now, we have a condition here in Chicago of thousands and thousands of the second generation of immigrants growing up who are prohibited by the rules of the union from learning a trade. What is before them is this: They have got to stay in what we call common labor, in the ranks of common labor. That means low wages, little opportunity, and social dissatisfaction arises. When we established our open shop I made up my mind that I was going to try, as far as I was concerned, to correct that evil. Of course we needed boys 16 years of age. The law prohibited a boy younger than 16, and, as we all know, from working more than eight hours a day, and from working on machinery. Now, the fact is there are very few factories in Chicago running eight hours a day, even union shops, because they run more than eight hours a day in order to get the Saturday afternoon half holidays. We could not get boys at 16 years of age that we need to learn the business, because they had been ruined in the years between 14 and 16 years of age. It is an established practice among the people of the lowest walks of life that when their children are boys of 14 they must go out and earn a living. I do not uphold that, but that is the unfortunate situation. So we made up our minds we would start in to save those boys. We established in our plant a school where a boy came to work for half a day in our factory, and then for three and a half hours he would go to our school. Another boy would go to school in the morning and work at the factory in the afternoon. There were not two boys in the factory at the time and they did not have any disarrangement of the boys lying around. In this school we not only teach them to set type and all the technique of the art of printing, but we teach them arithmetic and give them algebra and geometry and give them English and give them science, etc. Now, when they are 16 we put those boys in the factory full time, except for three hours a week. We have to-day in our factory 87 of those boys. We have been running it now for six years. If I was running union conditions I would be entitled to 28. We have now 87.

Now, I feel very strongly on this question of apprenticeship, and it seems to me it is the greatest charge against unionism.

Several years ago in New Jersey a law was introduced, which was not passed, prohibiting unions from limiting the number of apprentices. I think it should be passed. I think it should be passed here. I think the State should have the right to say—they have the right to say he must go to school until he is 14, and he can not work over eight hours a day until he is 16—and I think the State, the community, should have the right to say that a boy shall have the opportunity of learning a trade, and the union can not prohibit, provided, of course, the boy is really being instructed. I don't think they should be allowed to come in there and be exploited and thrown out in the street after their wages have come to a reasonable rate. But as long as the boys are receiving real instruction I think that they should be allowed to work, should be by law permitted to work and that the unions should not prohibit it.

I would also say that the same scheme which I have adopted in my factory has now been adopted by others, and they have established a school for the whole printing industry that will run the open shop.

Mr. THOMPSON. Taking the skilled trades, as you know from your experience, is there a lack of men in the skilled trades or is there a surplus to-day?

Mr. DONNELLEY. I think right at the present moment there is a surplus. Of course there is a tremendous industrial depression.

Mr. THOMPSON. Take the apprenticeship proposition—assuming there were no unions—what would be the basis of limitation of the amount of apprentices in any shop?

Mr. DONNELLEY. I do not think there should be any limitation, provided the boys are really being instructed. Of course, I can realize——

Mr. THOMPSON. In the industry itself, would the owner of the plant limit, or what would be the proper basis of his limitation if he did?

Mr. DONNELLEY. Well, now, of course I can appreciate that the unions would fear at first that there would be a great influx of boy laborers, which they might think is cutting their wages, but as soon as this proposition was all taken care of—all the boys were employed—of course that would not exist. I think the limitation of apprentices would be the number of apprentices that the man would think he would need at that time. I think if every man tried to take on an average the number of employees in his plant, that would be the natural limit. I am quite sure we are absorbing in our plant the number graduated each year, and there will be no men laid off on account of it.

Mr. THOMPSON. I think that is all.

Mr. DONNELLEY. I would like to say one word, if I may, before I quit.

We have had quite a good deal of talk here about the fact of the labor unions breaking their contract, and I would like to introduce in here the evidence in a pamphlet issued on the Chicago newspaper strike by the typographical union. This is a report of a meeting—a conference held by Gompers between Mr. Berry, when he had called that strike in the newspapers here against their contract, and Mr. Lynch. Berry had broken his contract and he was trying to persuade Lynch to get his unions to break their contract. He had persuaded the stereotypers' union to break theirs. This is what he says in a union publication:

"I am here to get the printers on the street if I can. I would break any contract under similar conditions, and I have tried, and am trying, to get the printers to break theirs."

(The paper so presented was marked "Exhibit No. 1, Witness T. E. Donnelley, July 25, 1914.

The pamphlet referred to, entitled "The Chicago Newspaper Strikes," excerpts from the annual reports of the International Typographical Union officers for the fiscal year ending May 31, 1912, was submitted in printed form.)

Mr. DONNELLEY. Mr. Berry, in saying that, has still been maintained one year, and I think two, as president of his union.

Chairman WALSH. Mr. Lennon would like to ask you a question or two.

Commissioner LENNON. Are you aware of the fact that the limitation of apprentices set by the typographical union is not nearly taken advantage of by the employers or others who employ union printers; in other words, they have less than one-fourth of the apprentices that they could have under the law—under the union law?

Mr. DONNELLEY. I have no record of that. We always had our full number when we were operating under union conditions.

Commissioner O'CONNELL. Did you ever hear of the origin of this reset of ads., that the pressure was first brought by employers who profited by the resetting?

Mr. DONNELLEY. I have read that in Mr. Lynch's testimony. I also remember Mr. Lynch said that order had been older than he was. I know that the American Publishers' Association did try to get that eliminated several times, and it being a matter of international law, which is like the law of the Medes and Persians, can not be changed under any consideration, and they have not been able to get any relief from it.

Commissioner LENNON. I understood you to say that competition settled the matter of wages and shop conditions.

Mr. DONNELLEY. I don't think I said that, at least I didn't intend to. I didn't intend to say that.

Commissioner LENNON. That was my understanding of your reply to one of the questions when Mr. Thompson was asking you as to how wages were to be adjusted. I understood you to say that competition settled the conditions.

Mr. DONNELLEY. I said competition settled the fact that there had to be a wage system. In other words, by competition there is not a sufficient margin above the cost of operation to go into any large profit-sharing basis in competitive industries. That is what I meant to say.

Commissioner LENNON. Is it the usual result of competition to lower or raise prices?

Mr. DONNELLEY. The result of competition is to lower prices by more efficient methods. The result of competition is to produce by more efficient methods at a lower cost.

Commissioner LENNON. Then, wouldn't it naturally follow, if competition worked that way as to the products, that it will lower wages?

Mr. DONNELLEY. No, sir.

Commissioner LENNON. If there is no restriction upon it?

Mr. DONNELLEY. No, sir.

Commissioner LENNON. It won't?

Mr. DONNELLEY. No, sir; it does not in a highly organized organization.

Commissioner LENNON. That is all.

Chairman WALSH. Anything further? Mr. Delano would like to ask some questions.

Commissioner DELANO. I want to ask you this: Give the commission the average length of service of your employees. Any figures on that. I suppose if they all went out in 1907 the organization has been built up since then.

Mr. DONNELLEY. The organization is recent; that is, it is within 8 or 10 years.

Commissioner DELANO. Can you give us any idea of the average permanency of the employees? We want to get the idea of whether you get a large number of fresh hands every year or have a permanent staff.

Mr. DONNELLEY. Our staff for the length of service is quite permanent, and, of course, it is to our advantage to make it so. We offer every inducement to keep the men.

Commissioner DELANO. What are the average wages of your employees to-day as compared with what they were under union conditions in 1907—previous to that?

Mr. DONNELLEY. They are higher.

Commissioner DELANO. How much higher?

Mr. DONNELLEY. I haven't those figures, Mr. Delano, but I remember in our pressroom there were only about three people who were receiving over the scale, which is $24. We now have—I am sorry to say I haven't those figures here, but our average in our pressroom of our pressmen is $26.68 plus a bonus of anywhere from $1 to $15 a week; that is, if they are on bonus. We can't put everybody on bonus, because we haven't got far enough to have everything worked out on a scientific basis.

Commissioner DELANO. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask you a few questions.

Commissioner GARRETSON. Mr. Donnelley, that wage that you refer to, is it wage or is it earnings that are higher than the union scale?

Mr. DONNELLEY. Well, I thought all wages are earnings. If they are not, you can't pay them.

Commissioner GARRETSON. Earnings are based on wage. A man works 12 hours a day, for instance, and that is his earnings for the day; and if the day is 8 hours it would be based on what is paid him for 8 hours, wouldn't it?

Mr. DONNELLEY. That is a little complicated.

Commissioner GARRETSON. A man may earn far more than another?

Mr. DONNELLEY. Yes.

Commissioner GARRETSON. If he gives far more time to labor.

Mr. DONNELLEY. And more efficient service.

Commissioner GARRETSON. How is that?

Mr. DONNELLEY. And more efficient service.

Commissioner GARRETSON. Efficient service on a daily wage is not an element of earnings on the daily wage system. It is on the piecework system.

Mr. DONNELLEY. We don't run piecework but very little in our business.

Commissioner GARRETSON. On daily wage the amount that is paid for the day is the wage for the day, and if he works overtime, then his earnings will be greater than his daily wage; or if he is paid a bonus, that is in addition to his wage, and the two together will make his earnings.

Mr. DONNELLEY. I see what you mean. In other words, what you might call his rate of wages, not his earnings; yes. I see what you mean.

Commissioner GARRETSON. They are two distinct things?

Mr. DONNELLEY. Yes, sir.

Commissioner GARRETSON. That is what I desired to know, whether the wage of these men is higher than the union men's wages.

Mr. DONNELLEY. Oh, the wages are higher.

Commissioner GARRETSON. The wages are higher?

Mr. DONNELLEY. The basic wages.

Commissioner GARRETSON. Your going rate is higher than the rates named in the contracts that the union men have in the town, is it? I notice that runs as high as $28, and in some instances $36?

Mr. DONNELLEY. What is that for?

Commissioner GARRETSON. For pressmen.

Mr. DONNELLEY. I don't know what that is, for I don't know the wage. I haven't seen a wage scale from them for years.

Commissioner GARRETSON. I don't pretend to be picking out the different classifications; I never got higher in your trade than being a devil. Some people say I never got past that.

Mr. DONNELLEY. As I understand, the basic wage on cylinder presses was $24 a week and was raised to $25. Our average before that raise—the average rate in earnings, was $26.68.

Commissioner GARRETSON. Is that for foremen and all included?

Mr. DONNELLEY. I don't think so; our foremen are not——

Commissioner GARRETSON (interrupting). This is pressmen.

Mr. DONNELLEY (continuing). Our foremen are not on our factory pay roll. Although now——

Commissioner GARRETSON (interrupting). How many men have you in your working force? It has all been built up since 1907, you say?

Mr. DONNELLEY. Since when?

Commissioner GARRETSON. Since 1907, when your present system dates from?

Mr. DONNELLEY. No; I think that the typographical union strike was in 1905 and the feeders' strike was about 1903.

Commissioner GARRETSON. Well, how many men have you in your employ; what proportion of your working force has been with you, say, five year?

Mr. DONNELLEY. I don't know. If I had known that question——

Commissioner GARRETSON. How much?

Mr. DONNELLEY. Why, I would be very glad to have that hunted up.

Commissioner GARRETSON. Can you furnish this commission with that data?

Mr. DONNELLEY. Yes, sir.

(The information requested appears as "Donnelley Exhibit.")

Commissioner GARRETSON. Have you advertised continuously?

Mr. DONNELLEY. Yes.

Commissioner GARRETSON. For the last, say, seven years?

Mr. DONNELLEY. Yes. We will advertise forever—until our apprentices come up to be journeymen.

Commissioner GARRETSON. That is a continuous practice with you daily, year in and year out?

Mr. DONNELLEY. Under union conditions or nonunion conditions, it is very difficult to get good pressmen. They are the hardest people to get; that is, very good pressmen. Now, what we are trying to do is to get exceptionally good pressmen in every case. Now, we have got a lot of men who are just what you might call ordinary journeymen, worth about $25. Now, we are trying to get $27.50 men and $30 men, and we are advertising for them all the time.

Commissioner GARRETSON. You want to build up a force that will conform to your efficiency ideas?

Mr. DONNELLEY. We want the ablest men.

Commissioner GARRETSON. That will speed up?

Mr. DONNELLEY. We want the ablest men can be got to operate the machines.

Commissioner GARRETSON. You will continuously advertise here and in the East?

Mr. DONNELLEY. I think so.

Commissioner GARRETSON. Are you hiring men every day?

Mr. DONNELLEY. Oh, no.

Commissioner GARRETSON. No expansion—no great expansion—of your force?

Mr. DONNELLEY. Well, of course there is not just at the present moment. Sometimes we have what we call a busy season and we have to operate a night force.

Commissioner GARRETSON. Oh, yes; I mean there is not a continuous addition to the staff?

Mr. DONNELLEY. Well, there has been every year; yes, sir; every year has shown——

Commissioner GARRETSON. Takes care of all the applications that are made?

Mr. DONNELLEY. I beg your pardon.

Commissioner GARRETSON. You are able to absorb all the applications that are made.

Mr. DONNELLEY. Oh, no, sir.

Commissioner GARRETSON. What is done with the surplus men?

Mr. DONNELLEY. What is that?

Commissioner GARRETSON. What is done with the surplus men?

Mr. DONNELLEY. We don't take them unless they are very good.

Commissioner GARRETSON. What is that?

Mr. DONNELLEY. We don't take them unless they are very good.

Commissioner GARRETSON. When you advertise for men, and men travel long distances to get positions that are nonexistent, what is your attitude toward them?

Mr. DONNELLEY. They don't do that.

Commissioner GARRETSON. What is that?

Mr. DONNELLEY. They don't do that.

Commissioner GARRETSON. What is the form of your advertising?

Mr. DONNELLEY. It is always an attempt to find out—correspondence, find out through references, how able they are; we refer to their employers and find out whether they are excellent men before we ask them to come on.

Commissioner GARRETSON. They don't present themselves, then, in answer to the advertisements?

Mr. DONNELLEY. No, sir; not unless it is a local advertisement.

Commissioner GARRETSON. Do you make any references of those men to other men who have under consideration strikes with the union?

Mr. DONNELLEY. Well, there is no strike going on at our place now.

Commissioner GARRETSON. Oh, no; not at your own place; when there is, I say, with others, do you loan men for strike-breaking purposes?

Mr. DONNELLEY. No, sir.

Commissioner GARRETSON. Nor refer none to other men, to other employers?

Mr. DONNELLEY. Well, we would refer people, if any man asked us if we knew of any good man that was not employed, and we didn't have him, we certainly would refer him.

Commissioner GARRETSON. Does that system of advertising enable you to build up a roster to draw on?

Mr. DONNELLEY. No, sir.

Commissioner GARRETSON. In the event——

Mr. DONNELLEY (interrupting). No, sir.

Commissioner GARRETSON (continuing). That trouble should occur?

Mr. DONNELLEY. No, sir.

Commissioner GARRETSON. I understood the statement that you made, as Mr. Lennon quoted it, in answer to Mr. Thompson's statement, that competition settled the questions that would be ordinarily settled by conference. You disclaimed that afterwards, though, I mean you disclaimed having that intention. But have you ever known competition to shorten the workday, in the history of industry?

Mr. DONNELLEY. I think there are cases where that has been done, but I can't quote them now; in other words, where people have found—I think it was in Poughkeepsie where people had found by the present-day methods of cost keeping and efficiency records, that greater results could be obtained by a shorter day than a longer day, and the day was gratuitously shortened.

Commissioner GARRETSON. Has it even been done except where data proved, where the union had forced that condition in, that it was good business to do it?

Mr. DONNELLEY. I don't know the condition.

Commissioner GARRETSON. I mean competition independent of every other influence; isn't its natural tendency exactly the opposite?

Mr. DONNELLEY. No.

Commissioner GARRETSON. Why not?

Mr. DONNELLEY. We have reduced the office hours in our factory gratuitously—I mean the office hours in our office.

Commissioner GARRETSON. Yes.

Mr. DONNELLEY. I know that several of the merchants in this town have reduced the hours of their porters, and so forth, gratuitously, because they thought it was a good thing.

Commissioner GARRETSON. Sure. Was any influence exerted by the fact that with the present humanitarian trend they did not care to take the criticism of doing otherwise? Was that a factor?

Mr. DONNELLEY. I don't like exactly that way of putting it. I think that employers, as well as employees, have a very acute sense of their responsibility to the community. I don't think that had been brought about 10 years ago; I know my grandfather had it; I know my father had it. I will admit that under present advances we probably can go further than we could then. But I am not sure that these people were influenced by any ulterior motives, except they thought it was a good thing for their men and a square thing. You

know employers do a great many things for their employees, just because they want to be men, and they want to have sympathy with them.

Commissioner GARRETSON. They do. But did you ever note any great number of them giving that tendency full rein until public activity or public criticism brought it to attention?

Mr. DONNELLEY. Well, now, giving it full rein—I suppose I have applications for altruistic and charity purposes that is ten times my income.

Commissioner GARRETSON. Yes.

Mr. DONNELLY. There is not one of them that I don't think is worthy, and if I gave my altruistic spirit full rein I would be broke in a month, right off. Now, everybody has to regulate and adjust his altruistic purposes by reason. And I think when you say "full rein," that you are asking something which is impossible.

Commissioner GARRETSON. I will modify the "full rein," and I will say how many of them went to the limit that is now ordinarily required by humanitarian legislation, until the legislation took place?

Mr. DONNELLEY. I don't know.

Commissioner GARRETSON. What has been the attitude, not of some employers but of a very large number of them, toward humanitarian legislation in general? Are you familiar with that?

Mr. DONNELLEY. Quite. The employer looks upon humanitarian legislation in this way: If it is possible to pass a law which is a benefit to humanity, without inflicting other troubles, they are all for it. The United Typothetæ of America was the first employers' organization in the country that went on record for an employers' liability law. I understand one of the first.

Commissioner GARRETSON. One minute right there, an employers' liability or workmen's compensation, because they are two entirely different things.

Mr. DONNELLEY. Well, I supposed they were the same.

Commissioner GARRETSON. No; they are entirely different.

Mr. DONNELLEY. Well, workmen's compensation—workmen's compensation. The factory act was not opposed, as I know of, by employers. It certainly was not by any of my associates. There are laws that have been opposed because we believe that they are not for the good of the community. Now, we are often accused of opposing things from a selfish interest when we really believe that the people are mistaken in their methods. Now, there is not much difference between the employer and employee in our desire, and what we are after. But we differ as to methods. And we don't believe, we don't believe that certain things can be accomplished in the way other people do, and we think that there will be a lot of—there will be more distress caused by the law than there will be benefit, and that is a very honest difference of opinion.

Commissioner GARRETSON. I don't want you to gather the idea that I include every employer.

Mr. DONNELLEY. No.

Commissioner GARRETSON. In a certain category. I want this understood, I have met many employers who were just as decent and just as human as their surroundings would let them be, and their associates. They would have gladly been better than they were. But is it not true that the man who desires to introduce the cost of those things into the conduct of his business, is absolutely at the mercy of the employer who will not do it competitively?

Mr. DONNELLEY. It would seem so; but I don't believe it is, because we——

Commissioner GARRETSON. Have you made a study of it practically to know whether it is or not?

Mr. DONNELLEY. Well, we see some very competitive businesses doing some very humanitarian things that cost them a lot of money. They do it and they still compete. I don't think they do it because they think they are going to make any money out of it, but they are able to do it nevertheless.

Commissioner GARRETSON. Aren't a very great many of those instances most apparent from those who have made enough money that they can stand the drain, and they desire the reputation that comes from it?

Mr. DONNELLEY. No; there are lots of things done where people don't talk about them.

Commissioner GARRETSON. It is another form of advertising.

Mr. DONNELLEY. Oh, not necessarily; no, sir. There are a few very noted exceptions.

Commissioner GARRETSON. For instance, a case occurred here in New York, where it was testified that a leading dry-goods store published a very ornate

reading article that they had given a great picnic to their entire employees; and it was testified there that those girls whose pictures were shown, were ordered to appear in the city park to be photographed with their "glad rags" on, and then report at the store, and there you have a sample of that method of doing business.

Mr. DONNELLEY. I don't think that is going to settle any industrial disputes.

Commissioner GARRETSON. How is that?

Mr. DONNELLEY. I don't think that line will settle any industrial disputes.

Commissioner GARRETSON. That was brought out in consideration of certain claims made by that store as to how they treated their employees. It is a fair sample, however, of advertising philanthropy, and doesn't it constitute a factor in many of those cases?

Mr. DONNELLEY. I am unable to say; I don't know the gentleman.

Commissioner GARRETSON. You have never seen an instance you thought was that way?

Mr. DONNELLEY. I might have had opinions, but I don't want to express them.

Commissioner GARRETSON. What is the comparative labor cost now as compared with labor cost when you worked under your union agreement for the same volume of work?

Mr. DONNELLEY. I haven't the figures here.

Commissioner GARRETSON. You have never made——

Mr. DONNELLEY. I say, I haven't the figures.

Commissioner GARRETSON. Can you furnish them?

Mr. DONNELLEY. It would be very difficult; we would have to go back over our books for quite a number of years.

Commissioner GARRETSON. I thought possibly it might be made up for a short period, because it would go far to demonstrate the comparison, to take for a reasonable period, as to what the actual labor cost was between the two. I understood your position was that wages would have been as good without unionism as it is to-day.

Mr. DONNELLEY. I said actual wages.

Commissioner GARRETSON. Yes.

Mr. DONNELLEY. Actual wages. The average of the actual wages of everybody would be just as good without as they are with.

Commissioner GARRETSON. As with the union?

Mr. DONNELLEY. I don't say the wages of the union people would be as high, but the higher wages of the union people are paid by the people who are not organized. If everybody would organize they would not be so high.

Commissioner GARRETSON. Who fixes the standard of wages for the laboring men of the country, the small group referred to as organized or the mass unorganized group?

Mr. DONNELLEY. I suppose that is really settled by supply and demand for the productiveness of the labor.

Commissioner GARRETSON. That is a supposition, isn't it?

Mr. DONNELLEY. No, sir; not a supposition.

Commissioner GARRETSON. Well, you said you supposed so.

Mr. DONNELLEY. Well, we will put it as a supposition. But you misunderstand me. That is, the general wages of all the people in the country is settled by the question of supply and demand and productiveness.

Commissioner GARRETSON. Following out your idea in regard to increasing production being the true avocation and that it has a cheapening effect—follow that to its logical conclusion, and if a man produces enough he could bankrupt himself, couldn't he?

Mr. DONNELLEY. I can't follow you.

Commissioner GARRETSON. The statement, as I understood you, was that the only way and the proper way to increase benefits to the man was to increase the production.

Mr. DONNELLEY. Yes, sir.

Commissioner GARRETSON. And that the greater the production the cheaper the price of the article?

Mr. DONNELLEY. Yes.

Commissioner GARRETSON. Now, if a man produces enough he could make the article valueless.

Mr. DONNELLEY. No, sir; that is a ridiculous argument. That is a ridiculous argument to my statement.

Mr. GARRETSON. If you start out by adding to the productiveness, as you make the production greater where does it lead you?

Mr. DONNELLEY. If we produce three times as much wheat in the country as now, the price would not be one-third what it is now. You know that just as well as I do.

Commissioner GARRETSON. I haven't stated proportions at all; you are putting that in. You stated if you increase production you lower the price.

Mr. DONNELLEY. Yes, sir.

Commissioner GARRETSON. And if you increase it enough you lower it clear down.

Mr. DONNELLEY. I never said that. There is a law of the diminishing wage in everything.

Commissioner GARRETSON. If you start it, it will reach the ground after a while.

Mr. DONNELLEY. No; it is not a straight line; it is a parabola.

Commissioner GARRETSON. Are you sure the absurdity is not following part way and quitting when you get halfway?

Mr. DONNELLEY. No, sir.

Commissioner GARRETSON. Well, study over it.

Mr. DONNELLEY. I have.

Commissioner GARRETSON. That is all.

Chairman WALSH. Any other questions?

Call your next.

Mr. THOMPSON. Mr. Wright.

TESTIMONY OF MR. EDWIN R. WRIGHT.

Mr. THOMPSON. Give us your name.

Mr. WRIGHT. Edwin R. Wright.

Mr. THOMPSON. Your business address?

Mr. WRIGHT. Postal Telegraph Building.

Mr. THOMPSON. And your occupation?

Mr. WRIGHT. Printer.

Mr. THOMPSON. Do you hold any official position in connection with the typographical union?

Mr. WRIGHT. President of Local Union No. 16.

Mr. THOMPSON. How long have you been president of that organization?

Mr. WRIGHT. The last time just a month.

Mr. THOMPSON. Have you held it before?

Mr. WRIGHT. Four years.

Mr. THOMPSON. Have you held any official place with the union any other years other than president?

Mr. WRIGHT. I was officer of the union for probably 10 years.

Mr. THOMPSON. You have been president of the Illinois Federation of Labor?

Mr. WRIGHT. Seven years.

Mr. THOMPSON. In your position as leader of organized labor you have had more or less occasion to study the industrial problem and industrial conditions in the country, have you not?

Mr. WRIGHT. I have tried to.

Mr. THOMPSON. Have you any opinion regarding industrial unrest, if in your opinion such exists?

Mr. WRIGHT. I have.

Mr. THOMPSON. You might tell us in your own language as briefly as you can the cause and its cure.

Mr. WRIGHT. The great cause for industrial unrest comes from lack of employment. The cause of lack of employment can be traced to several different causes. One cause I believe at the present time, especially for industrial unrest, is lack of executive ability, which is always the primary cause for industrial unrest. This time more so than ever.

Mr. THOMPSON. What executive ability do you speak of, the workers or whom?

Mr. WRIGHT. I am referring to a condition that confronts us especially at this time in my opinion, and that is the custom of the deferring of the railroad-rate cases of the Interstate Commerce Commission, which has disorganized my trade especially. We have between 20 and 25 per cent of our men out of work at the present time because industry does not know where it stands, and will not know until the rate case is settled one way or the other. Of course, our people are not interested whether the rate goes up or down. That makes no difference to us, but it is important to us that some decision be made so that

employers can get out their printing, put our men to work, and fix prices on their goods and do other things that will allow industry to go ahead.

Mr. THOMPSON. If the rate case was settled, it has been settled now, has it not?

Mr. WRIGHT. No, sir; not unless it was this afternoon. Oh, it has been settled, I believe; yes, sir; but rates have not been announced.

Mr. THOMPSON. But upon the announcement of the rates by the Interstate Commerce Commission, would, in your opinion, the industrial unrest disappear?

Mr. WRIGHT. Our men will go to work, probably 700 or 800 or possibly 1,000 printers can go to work, and there will be less industrial unrest when they go to work and have a pay envelope to take home Saturday night to their families. I am referring to Chicago alone.

Mr. THOMPSON. I would like to have you give us your views of industrial unrest further than you have, as to what other contributing causes there might be.

Mr. WRIGHT. Well, another contributing cause—the primary cause, in my opinion—is lack of education.

Mr. THOMPSON. How does that operate?

Mr. WRIGHT. A certain per cent of our men have not had schooling sufficient to enable them to make the progress in their trade that they believe they have the right to expect. They are handicapped by lack of education—by lack of practical teaching—and they are not able to take the position which they desire and which they think they have the right to expect. That is one of the causes.

Mr. THOMPSON. Is that all you have to say about the cause of industrial unrest?

Mr. WRIGHT. Oh, no; that is one of the primary causes.

Mr. THOMPSON. What are the other secondary causes—are there other primary causes? Just go ahead and go through the category you have in your mind.

Mr. WRIGHT. Another one of the principal causes we have for industrial unrest is competition between the union and nonunion men, and between the journeymen and semiskilled labor, which finds its way into the shops and factories, especially the nonunion shops, with prison labor in industries and other matters of that kind—unfair competition as we believe it to be.

Mr. THOMPSON. Any other causes?

Mr. WRIGHT. I think that will cover the two principal points—we have other causes.

Mr. THOMPSON. What remedy would you suggest to this commission which this commission might carry out or help carry out or recommend to Congress?

Mr. WRIGHT. Sir.

Mr. THOMPSON. What remedy would you suggest for that evil?

Mr. WRIGHT. First, I would send every child to school, give the child a common-school education. I would put a sufficient number of teachers in the schools to actually teach the children. I would put the textbooks the child uses on a basis where the parents could afford to pay. I would prohibit children from going to work in an industry until the child was mentally capable of taking up the work. After the youngster had gone into the trades I would see that the education continued and only a portion of the time be put in at the shop or the factory, and that the common-school education continue under competent instructors. I would carry out the same course with the workmen themselves after they have graduated from being apprentices and have become journeymen.

Mr. THOMPSON. Now, Mr. Wright, have you heard the testimony here of Mr. Donnelley?

Mr. WRIGHT. I did.

Mr. THOMPSON. What have you got to add to what he said?

Mr. WRIGHT. Mr. Donnelley runs a nonunion establishment. He runs—on the question of apprentices he works more than the scale of wages prescribed in union shops. He pays smaller wages. I do not know as there is anything more I could say than that he does not comply to the going rate of wages or the going scale of wages or hours, either one.

Mr. THOMPSON. That is all you care to say with reference to the establishment in respect to what he said?

Mr. WRIGHT. Mr. Donnelley ran a union shop for five years. The shop has been conducted as a union shop upon three different occasions. We have had three strikes in the Donnelley establishment, and twice the shop became union, and we expect it will be presently union again.

Mr. THOMPSON. Anything further you have got to add to the industrial problem further than you have stated now? I see you have some papers before you.

Mr. WRIGHT. Sir?

Mr. THOMPSON. Is there anything further you care to say now on the industrial problem?

Mr. WRIGHT. It is a pretty big proposition—the industrial problem—to say anything in a sentence. But what I have suggested here once or twice, we have tried to place it in effect in my organization. We have tried to make the organization that I represent and which I represented before—we have tried to build up the features, the beneficial features, of our organization so that it would be a desirable place for a man to seek association. For instance, last year we paid $2,106.92 in funeral benefits to our members in the local organization, and this does not apply to the beneficial organization but this is a relief outside of our benefit organization. We paid $24,222.71 on account of sick benefits. There are several other items that go along with these two.

We conduct an old-age pension out of our earnings and with no contribution from our employers. This is paid partly by the international union and partly by the local union. We pay $8 per week for a member after he gets past the day's work or for other causes he is unable to find sustaining employment.

We also have a tubercular home at Colorado Springs, where I believe we cure more cases of tubercular trouble than any other institution in the country similarly conducted—not similarly conducted, but having the same number of patients.

We have other benefit features. We try to make the organization desirable. You see, referring to Mr. Donnelley's shop for a moment, I do not believe there is one employee in the Donnelley establishment or in any other nonunion printing office in the city of Chicago that would not be willing to join the typographical union, and be glad to do so, if he was not confronted with discharge.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Was there some other information, Mr. Wright, that you would like to volunteer before the commissioner starts to ask questions? I thought maybe you had something in your hand you had not put in yet.

Mr. WRIGHT. I have two or three exhibits here.

Chairman WALSH. Very good.

Mr. WRIGHT. The constitution and by-laws of the International Typographical Union, the financial exhibit of Chicago Typographical Union No. 16, and matters of that kind I might pass over to the board to look over at their leisure.

Chairman WALSH. Will you do that? First, give what they are to the stenographers, so they will be a reference to them.

Mr. WRIGHT. Well, the one I mentioned is the financial exhibit for the year ending June 30, 1914, the book of laws of the International Typographical Union, old-age pension law of the International Typographical Union, directory of union printing offices of Chicago, book of rules of the Union Printers' Home. We have a lot of that stuff. If you want—if you want any more, I will be glad to send you more.

(Mr. Wright submitted, in printed form, pamphlets of the following titles: "Financial Exhibit of Chicago Typographical Union No. 16 for the Year Ending June 30, 1914"; "Book of Laws of International Typographical Union, January 1, 1914"; "Old Age Pension Laws of the International Typographical Union"; "Directory of Union Printing Offices of Chicago, May, 1914"; "Book of Rules, Union Printers' Home, Colorado Springs, Colo., 1913"; and "Constitution and By-Laws of Chicago Typographical Union No. 16, 1914.")

Commissioner LENNON. Mr. Wright, have you knowledge as to whether the employing printers of the country have apprentices up to the limitation of the typographical union permit?

Mr. WRIGHT. They have not.

Commissioner LENNON. Is the percentage that I stated approximately correct, that it is only about a little over one-fourth of the limitation, taking the country at large?

Mr. WRIGHT. I think you are approximately correct. In the printing business most of our employers, I am glad to say, take a pride in their work. They wish to turn out the best possible class of printing and they must have good men to do that—journeymen and not apprentices. Any time you put an apprentice on a job you are going to have inferior work, except in certain classes

of work where the apprentice's judgment will go on that particular job—particular class, I should say.

Commissioner LENNON. Suppose we will say that the apprentices employed were up to the limitation?

Mr. WRIGHT. Yes, sir.

Commissioner LENNON. Do you believe the typographical union would give favorable consideration if the trade demanded an increase?

Mr. WRIGHT. We have reduced the number of apprentices. Formerly it was 1 apprentice to every 10 journeymen, or major fraction. Upon the complaint of the employer that he was not getting enough apprentices, we reduced it from that, 1 to 10, to 1 to 7, and if we can not supply the number of journeymen we will reduce it again. We have no desire to inflict any hardship on the employer. All we ask him to do is to pay us our wages. We wish the employer to make money; the more money the employer makes the higher we are going to increase our wage scale and shorten our hours and improve our conditions. The employer can not do it unless he makes money, and we are willing that he should.

Commissioner LENNON. You must know something about this resetting of ads. Is that done solely by the will of the typographical union or do the employers cooperate in that proposition?

Mr. WRIGHT. The employer cooperates in it. Years ago the employer conducted his printing department—that is, of the newspaper—conducted the establishment independent of any other establishment. He set all of his advertising matter in his own shop. Presently the advertising man from some of the big stores, as they grew up, thought to take a short cut and would send their copy to one establishment and proofs would be taken and sent to the other composing rooms and the ad set and placed in the paper. The employers ask if it would not be possible to take the matrices from one establishment to the other and cast the ad and then afterward set the ad on their own time. That was finally conceded to. The employer, however, gets paid for resetting the original ad. It comes to us; is put on the time copy; the men handle it when they have nothing else to do; on certain days of the week our men are very busy for two or, possibly, three days a week; and when in the old days, when the men set the ads originally, they had steadier employment, and this acts as a sort of brake on this continual change in the shop. It is a concession granted the employer, not a demand from the organization. There is a vast difference between the two.

Commissioner LENNON. Will you tell us about the typographical vocational school?

Mr. WRIGHT. Yes, sir. It originated in Chicago some years ago. We had been talking over it for a long while. We had a contract with the United Typothetæ, which was referred to a few moments ago, and we endeavored to take up with the typothetæ a course of printing so that the apprentices in the shop might become better journeymen than they would otherwise. The typothetæ turned us down. Then we went ahead and took it up ourselves and perfected the class ourselves. We did not admit an apprentice into membership until he takes up the course in printing entirely aside from his personal instruction he receives in the shop. It is a course that extends all over the United States and Canada, as far as the International Typographical goes, and it came from Chicago.

Commissioner LENNON. Can you tell us approximately how many printers of any age have taken advantage of these classes?

Mr. WRIGHT. I have forgotten the exact number. I am acquainted with the result which I believe is more important. The average increased wage of the boy who has graduated into a journeyman, who has taken the apprentice course, amounts to something like two or a trifle over two dollars a week in advance of what he would have received had he not taken the course.

Commissioner LENNON. That is all I care to ask.

Chairman WALSH. Did you want to ask any questions, Mr. O'Connell?

Commissioner O'CONNELL. Yes. How many printing shops are there in Chicago, Mr. Wright?

Mr. WRIGHT. How many printing offices?

Commissioner O'CONNELL. Yes.

Mr. WRIGHT. We have our own men working in probably 300 shops.

Commissioner O'CONNELL. I want to get the total number of shops in the city, union and nonunion.

Mr. WRIGHT. I do not know. There are so many private establishments, little shops scattered around in basements one place and another, that it is almost impossible to tell. We don't know. We can not gather it from the directory because many places are listed as printers but are publishers and have no printing department.

Commissioner O'CONNELL. What percentage of the shops where typesetters are employed?

Mr. WRIGHT. We can not get that either, but that is all the shops that are recognized as being printing offices. We probably have 80 per cent—90 per cent. We estimate that we do 85 per cent of the printing in Chicago; that is, the printers do 85 per cent of the production.

Commissioner O'CONNELL. You have contracts with all of the newspaper publications in the city?

Mr. WRIGHT. We have both a local contract and a national—or an international contract.

Commissioner O'CONNELL. How many newspapers that are published in the United States outside of the association of publishers are nonunion? Have you any idea of the number of firms or publications in the newspaper publishers' association?

Mr. WRIGHT. I haven't the data, but practically every newspaper in the United States belongs to the American Newspaper Publishers' Association, which has a contract with the International Typographical Union, an arbitration contract.

Commissioner O'CONNELL. The typographical union has a contract practically with every newspaper published in the United States?

Mr. WRIGHT. Practically, not all. There are a few outside.

Commissioner O'CONNELL. What percentage are outside?

Mr. WRIGHT. Two or three per cent I imagine—just a guess.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all. Thank you, Mr. Wright.

Mr. THOMPSON. Mr. Caldwell.

TESTIMONY OF MR. FRANK C. CALDWELL.

Mr. THOMPSON. Mr. Caldwell, will you give us your name, please, and your business address, and your business?

Mr. CALDWELL. Frank C. Caldwell. I am president of H. W. Caldwell & Son Co., Seventeenth Street and Western Avenue in this city. We are engineers, founders, and machinists.

Mr. THOMPSON. How long has your firm been in existence; how long have you been connected with it?

Mr. CALDWELL. Since 1875.

Mr. THOMPSON. 1875?

Mr. CALDWELL. Since 1875.

Mr. THOMPSON. Have you any opinions regarding industrial unrest, if such exists, its causes, and what remedies might be applied to it. You may state it in your own way, Mr. Caldwell.

Mr. CALDWELL. I think one of the difficulties in trying to arrive at the reasons for industrial unrest is to select that as the only form of unrest. I think anyone that has observed conditions as they have arisen in the past three or four years has realized that there has been a general unrest, extending not merely to what might be called industry, but it has also been evidenced in social matters, in political matters, and you might say also in moral matters. And that unrest is perhaps, one might say, a species of circular insanity; that is to say, there are probably periods recurring, more or less frequent intervals, when there is a disturbance in the social and body politic, and I apprehend that conditions as we now see them are possibly a recurrence of that situation.

Specifically, as to the industrial unrest, it would be quite unfair for anyone to select any single thing and claim that that was the one or even the principal reason for what we recognize as industrial unrest at the present time. An employer so minded might say that it was due to the union conditions. He might charge that the unrest had been instigated by the agitation on the part of those that are union leaders. Others might say that it is a new awakening of a new democracy. Others might charge that it was due to political reasons, and that the unrest had been fomented by the actions of those politicians who thought to ride into power upon the wave of popular approval.

But to my thought there is no one of these things that ought to be charged with this condition. I think that all of them have something to do with it. And the unrest is here. There are new conditions confronting us which have got to be met in some way or other.

I think, perhaps, Mr. Thompson, I can save the time of the commission and your time if I try to say some things in reply to the questions that you have included with your request to appear here. And with your permission, and for the purpose only of saving time, I will follow that method if it is agreeable to you.

Mr. THOMPSON. Go right ahead, Mr. Caldwell.

Mr. CALDWELL. There has been much said here about the attitude of the employer toward the labor unions, and I might say by way of preface that my concern runs what is euphemistically called an open shop, the result of a misunderstanding—a strike that took place in 1903—something that we would much prefer to forget. But the attitude of the employer toward the labor union, I think, is not always clearly understood by himself. He will say, perhaps, that he is opposed to the labor union. Naturally an open-shop man might be supposed to be opposed to the labor union. But I think the real, basic attitude of the non-union employer, or anyone that may take an extreme view on that side of the case, is rather that he is not opposed to the labor union as a labor union, as an organization for the purpose, as they claim, of benefiting the condition of those that are members of that organization. But he is opposed—and there are very many that are immovably opposed—to those things which they claim, and which they feel, are self-evidently errors and evils that pertain so generally to the American labor union as we know it.

I think that employers generally are not friendly to the closed shop. I think they are opposed to it for very much the same reason that the general mind of the public is bitterly opposed to anything that savors of a trust or a monopoly. I think that the employer recognizes that it is an abnormal economic condition that there should be anything in the nature of a limitation of output, anything in the way of an unreasonable limitation of apprentices, anything by way of a fixed minimum wage which has a tendency to level the wage of the more efficient to those who are less capable. He is opposed to anything in the nature of coercion by means of violence or boycott or any other such method. And he is opposed to anything that will not give the large number of those outside the organization an equal opportunitv to earn their living in the trade that they may be acquainted with.

Now, I say that the opposition and the antagonism on the part of the employer is, I think, directed not at the union as such but at the evils and errors that are in such organizations as we know them.

And I want to say this also on behalf of the employer: I think that his attitude in seeking to maintain what he considers right economic conditions is by no means a selfish opposition. I wish to make the point that if the employer were simply seeking to follow his own selfish ends, to endeavor to earn the greatest amount of money with the least possible friction and the least possible annoyance on his part, he might very well acquiesce in everything that a union should demand of him and pass on the cost to the consuming public.

The commission, I apprehend, are probably pretty well acquainted by this time with the anti and pro attitude of employers toward the labor-union proposition. But I think they will perhaps be willing to receive something in the nature of constructive suggestion.

Anybody can tear down, but it takes a pretty wise man to build up. And we can point out the evils that exist, as undoubtedly evils do exist, in this industrial situation. But it is a problem worthy of the wisest of men to suggest something that perhaps may alleviate if not entirely cure this rather woeful condition.

It would be rather a bold business man who under conditions as they now exist would suggest anything by way of additional legislation. The usual complaint is that we are overlegislated as it is now. A certain well-known financier made frequent use of the term "undigested securities." I should say that the body politic now is affected by what might be called undigested legislation as much as any other ill that I can think of.

And while it may seem rather superfluous to suggest anything by way of additional legislation, it does seem to me that it is quite as competent to suggest that there should be a declaration that the closed shop is just as much of a monopoly as any trust that is open to criticism and therefore should be declared to be illegal; furthermore, that anything that tends to limit the production, the fair production, of an employee is an economic wrong that should be prohibited, and anything that tends in that direction should be prevented if possible.

That there should be some means whereby we could arrive fairly and equitably as to what is the right position in this matter of limitation of apprentices. No one can be fair and say there is not something in the claim made by union labor that unlimited allowance of apprentices would tend to debase and overrun the trade. On the other hand, no patriotic American can say but what there should be sufficient freedom in the learning of the different trades in this country so that opportunity should be open, provided the other side of the question is not harmed. There should be some means of arriving at what is exactly the right number of hours it is fair and that ought to be worked. Now, I propose for the consideration of the commission that it may be possible—I hardly think it will be probable—it may be possible that there may be some tribunal which will be instituted not so much for the purpose of conciliation or arbitration but, rather, for the purpose of having a general oversight and general supervision of these issues that are coming up all the time, for the purpose of safeguarding and protecting not the employee and not the employer but the general public at large.

I think in our shortsightedness—when I say "our" I am meaning labor unions and the employer—we are very apt to see no further than our own particular interests in the consideration of these matters, but it does seem to me that there is that third party in interest who seems to have been so utterly helpless and yet so vitally affected by everything done along these lines that the Government might very well do something that would protect that interest of the general public. I understand perfectly well whenever there is a great strike that puts out some public utility or shuts down a coal mine, or in some way a direct and definite conviction to the public, the cry goes up it is this third party, the public, that must be considered; but may I not make the point as strongly as I possibly can, it is not only in such cases that our picked—these cases as incidents, but it is in every case where there is to be an adjustment of wages, an adjustment—a reduction of hours or anything that affects the cost of production of that work and the production of wealth, that the phrase is that the consumer has to have in order to live; whenever that case is up for consideration there must be ultimately some consideration of the general public interest in that matter.

Let me say, for example, I believe every workingman in the city of Chicago, excluding perhaps those that are directly benefited, is paying a premium for living in the city of Chicago, because his rent is a very considerable per cent higher than it should be, due to the excessive cost of building operations in the city of Chicago. And while that may be an obvious case, every case has precisely the same result; the loss is as great as the one is in this instance. It would be perfectly possible to demonstrate to the general public that if there could be formed a farm-labor union who would be able by their compact organization and their complete closed-shop monopoly of that particular industry to be able to reduce the hours of labor on the farm to eight hours per day and apply that Heaven-given salary of $5 per day, which has been set up by a certain gentleman, it is perfectly plain that everybody in the whole country would have to pay that excessive cost of production of the farm. But it is not so plain—it is not so plain when we say if we increase the pay of the railroad engineers, or we increase the pay of the man working in my shop, remotely connected with the ultimate consumer, that finally the increase of the pay is laid on the already overburdened shoulders of the ultimate consumer, having added to it my profit and every other intermediate profit that goes to make up the final cost he has to pay. I feel that this commission, if it can formulate some plan whereby an unbiased, high-minded, indifferent, unprejudiced body can be brought into being for the purpose of safeguarding the wide interests of the public in these matters, they will certainly have justified their existence.

Mr. THOMPSON. I think he has covered the field pretty broadly, and I have nothing more to ask.

Commissioner O'CONNELL. Will you please define for us what you consider the public?

Mr. CALDWELL. The public is everybody, and it does not exclude the lowest laborer any more than it excludes the man highest up.

Commissioner O'CONNELL. That is all.

Commissioner GARRETSON. I would like to ask one question: Don't you get Henry Ford and Heaven confused on the $5 a day wage?

Mr. CALDWELL. There are some of Mr. Ford's employees that closely relate him to the presiding genius of heaven, I think.

Commissioner O'CONNELL. But the five dollar hasn't come into being yet altogether?

Mr. CALDWELL. I don't know; that is the advertising report.

Commissioner O'CONNELL. The process of evolution is going on yet.

Mr. CALDWELL. It always will.

Commissioner O'CONNELL. That is all.

TESTIMONY OF MR. GEORGE W. PERKINS.

Mr. THOMPSON. Will you give your name?

Mr. PERKINS. George W. Perkins.

Mr. THOMPSON. Your business address?

Mr. PERKINS. 950 Monon Building, 440 South Dearborn Street, Chicago, Ill.

Mr. THOMPSON. Your business?

Mr. PERKINS. President and secretary of the Cigar Makers' International Union.

Mr. THOMPSON. How long have you been president?

Mr. PERKINS. Twenty-two years, six months, and twenty-five days.

Mr. THOMPSON. Then you have been long enough in that position to have some knowledge in regard to industrial unrest, its cause, and possibly have been long enough connected with labor to have some idea of a remedy?

Mr. PERKINS. I think I have.

Mr. THOMPSON. Now, I will give you your own way, just as I gave to Mr. Caldwell. Tell your story in your own manner.

Mr. PERKINS. The question is the cause of industrial unrest and the cure; is that it?

Mr. THOMPSON. If you have it.

Mr. PERKINS. To my mind, grounded upon a lifetime experience, the cause of industrial unrest is due largely, primarily, fundamentally, to low wages and long hours of labor. The fact that immigrants are lied to before they come here, cheated and robbed after they get here, and when they finally realize this then it causes considerable industrial uneasiness. Careless statements as to fundamental facts as to real facts that exist. The notion that there is one law for the rich and another for the poor, whether there is any such thing or not, figuratively speaking. The experience of labor has led me to believe that periodically there is some such difference. Another contributing cause is the mad pace at which industrial workers are driven, a pace that kills 35,000 annually and wounds 2,000,000 in our industries alone; a pace that kills a like number and wounds a like number in our transportation. The fact that 200,000 people die annually from tuberculosis, a preventable disease, a disease that should not exist among us. The fact that 800,000 people die annually from preventable diseases due to occupational diseases is another.

Another cause in connection with the unrest of immigrants in 1909 is the following advertisement appearing in the Pittsburgh, Pa., newspapers: "Men wanted.—Tinners, patchers, and helpers to work in open shop; Servians, Poles, and Roumanians preferred; steady employment and good wages to men willing to work. Fare paid and no fees charged."

You ask me a cure for industrial unrest. I wouldn't cure it if I could, and I couldn't if I would. I say that with a full knowledge of the meaning of the word. Industrial unrest, the agitator and the kicker make for the uplift, a better, social, economical, and political state, and for advancing civilization, and were it not for industrial and social unrest there would be no human progress along lines that were good and beneficial for the great mass of working men and women of our country.

I would, however, minimize that unrest to the lowest possible point. That should be along constructive lines. First, I believe that this commission in its findings and in its search for remedies is handicapped by State rights and State lines. Hence it would be a waste of my time to advance things that can not by any possible stretch of the imagination come within the jurisdiction of this commission.

There is one thing though that I would suggest. Commissions in the past have proven entirely futile and almost useless. Commissions such as this have worked their heads off; have sought diligently, earnestly, and faithfully for a

cause and for a remedy that will be helpful; they make an elaborate report to the United States Government and Congress, which created them. It then becomes everybody's business in general and nobody's business in particular. If this commission would recommend that in the future in cases like this, which is a three-cornered commission, if you please, one for labor, one for capital, and one for the dear public, of whom I would like to speak about a matter later—one of each department should be given a seat in Congress, with a voice and no vote, and he ought to remain there until Congress has acted, has either defeated or adopted its recommendation, and their efforts will not be wasted.

I hold that one of those things you can act upon is to see to it that the immigration laws are properly or become more effective in their restrictions. Labor as such is not opposed to immigration, the kind that formerly landed on our shores and to whom much of our greatness commercially and industrially and socially and politically is due.

But remember the immigrants in those days came in slow, dangerous sailing vessels. They came of their own volition. They came from England, Ireland, Scotland, Germany, Switzerland, and other countries, the people of which rank somewhere near the standard of American citizenship, while to-day, with the quick passage, the fast-sailing vessels, which one vessel will bring in a weeks' time more than you could crowd into half a dozen ships in early days with their low-passage money. Originally it took three months to come over, and now one week. And where do they come from? Without casting any disparagement upon any race or calling, originally they came from England, Ireland, Scotland, Wales, France, Germany, and other countries. To-day, or at least in 1913, over 1,300,000 immigrants came to this country. Two hundred and forty-three thousand came from southern Italy—not Italy, but from southern Italy. You all know what that means; which was more than came from Germany or England, Ireland, Scotland, Wales, France, Switzerland, and Scandinavia. We are not opposed to the natural influx of immigrants. But we do object to the indiscriminate assisted immigrant. We object to the kind that are brought here to enrich the steamship companies primarily and in the first instance. We do not object to them coming naturally and regularly. I said a moment ago that the immigrant was lied to before he came here. I personally know that he is.

In Hamburg, Germany, I saw last year, less than a year ago, great signs plastered over a labor agency, in which it pictured the glories and the Eldorado and wealth of the great State of Washington. It provided for a system of selling tickets on the installment plan. It was figured out, so many marks a week, so many marks every two weeks, so many marks a month will land you on the golden shores of the State of Washington early in the spring of 1915 where acres and acres of virgin soil await you.

Last November, on my way to the American Federation of Labor, I passed through the great State of Washington, and looked eagerly for the acres and acres of virgin soil awaiting for the poor deluded immigrant. I saw, yes, much virgin soil in the State of Washington, but it was dotted with stumps. They had taken off the lumber. The stumps were there. The virgin soil was there, yes, but it was dotted with stumps.

Now, when the immigrant comes there and sees that, do you blame him if he is a little restless? I don't.

What can you do for labor? Take us out from under the restriction now resting upon us by a false application of the Sherman antitrust act and let us carry out our natural activities, subject only to the law of the land, and we will work out our own destiny. We ask no favors from the lawmaking forces. All we ask is the right to carry forward our natural activities, always amenable to the law. We respect the law—the written law of the land. We respect our courts and our judges. We rebel against judge-made law and government by injunction. We deny that the Government or society—I take that back; I don't mean society—we deny that any one has any property right in our work. That belongs to us. It is not the property of any living soul on earth except us. The money that we earn is ours. We demand the right to spend that money where we please and with whom we please. Give us a little more—and this goes both ways—honesty, industrially, politically, and socially. I include ourselves in that, when I say that.

The welfare of society at large, working men and women, and their best interests, should be placed above the dollar mark. Human rights and human interests are of greater value than property rights or the accumulation of the

swollen fortunes of the already predatory rich. We may not advance quite as rapidly industrially or commercially, but after all we will be advancing along sane lines that bode no ill will to any honest man or woman or any good government.

You ask how to cure or to minimize—I haven't gotten a cure—you ask how to minimize this unrest. In my own candid judgment there is only one way to do it; that is to let the industrial workers organize on the one hand and the employing classes upon the other. There is an element of fairness and justice in the human mind, and employers, sociologists, and self-constituted guardians of our morals and social advancement have no corner upon that justice and fairness—there is a sufficient amount of that vested in the working men and women that will protect them from doing anything that will destroy advancing civilization, that will destroy society as it exists to-day. The labor organization that will do the thing that will destroy, will destroy itself before it has the opportunity to do that. The organization that is not just and is not fair is doomed—foredoomed to failure. There are enough ultra-conservatives in the labor organizations to more than counterbalance the radical and the agitator.

Fortunately for the labor organization and for society at large, there are enough level-headed middlemen who are the ballast and who will protect the labor organization and society at large against their machinations.

I may say the general labor movement is unalterably opposed to compulsory arbitration. We are not opposed, however, to legally appointed Federal or State conciliation and mediation, and arbitration, if voluntary. I say this, give the conciliator, the mediator, and the arbitrator a position not grounded upon the fortunes of politics, but on good behavior, his job to last as long as that continues; in fact, give him a life job, and if he does right on the pay roll of the Government, and if he does wrong, in the penitentiary for the balance of his life, and then you will get honesty. Protect the man in his job as long as he does right; give him a life job, if you please; but give him a life job in the penitentiary if he does wrong. You will stop your fear of your arbitrators or your conciliators doing anything wrong.

Just a word. This commission or no living soul on earth can find a remedy for industrial and commercial stagnation. You are wasting your time if you are trying to do so. Yet industrial and commercial stagnation is one of the contributory causes to industrial unrest. Industrial and commercial stagnation is caused not by overproduction but rather by underconsumption. In as plain English as I can state it the working men and women receive less in wages—receive amount in wages that will not enable them to consume all that which they create—and because of that we have a periodical turn of industrial and commercial stagnation which is not due to the personnel of the Government nor its economic policies. The remedy? Let the working men and women organize, and through their labor organizations get as near as possible to the margin of profit; they will then be in a position to consume that which they create, and industrial and commercial stagnation will disappear from the haunts of civilized man. Leaving, if you please, to the captains of industry their full share of that and all that value which they create.

Another suggestion, if you will pardon. Each State ought to appoint a committee of one to act with a representative of the Federal Government for the purpose of formulating a uniform set of laws, applicable to all States in so far as laws concerning overproduction and distribution is concerned. I believe in old-age pensions, industrial insurance for sick and inability, and I believe in the industrial insurance against unemployment, despite the fact that some of my very able colleagues in the labor movement disagree with me.

Migratory labor constitutes one of the most important classes of citizens we have in this country, and instead of being kicked and cuffed about as tramps, the migratory workers deserve more consideration at the hands of society at large than lawyers, doctors, or labor agitators, or anybody else is concerned.

What does the migratory worker do? Things you and I won't do if we can help it. He gathers the harvest in the summer time and ice in the winter; he contributes more to the comfort and well-being of society at large than any other class of workers or professional men, I don't care who or what they are. I believe he should be taken care of. I believe that the migratory worker should be transported free, absolutely, from the industrial center to the agricultural district, apportioning the cost on each community, the State, and the Federal Government; let the three pay for it.

I believe he should be brought back to the ice harvest in wintertime absolutely free. I believe that you should furnish for these workers, not the never-sweats and bums—they are few—they don't amount to that [snapping fingers]. One-sixteenth of 1 per cent. They are not worth counting, yet they are the ones who want to work and who do work and should be taken care of. I would furnish for them during December and January or November and December free lodging, not as a charity but as a right. Think what he has contributed to the good and the advancement of society. I would give him this free labor in February and March, the two bad months, dividing the cost on the State and the Federal Government.

Just a few more words and I am through. A lot has been said about the closed shop. There is no such thing as a closed shop. I want the men who have sat here in this chair and said day after day "the closed shop" to know that there is no such thing as a closed shop. We have strict union shops, but the latchstring of the door to the union hangs on the outside, and every working man and woman is invited to come within and participate in that condition of good wages and shorter hours brought about by trade-union activity. So much for your closed shop.

It is not a monopoly. I have got organizers on the road, paying them big money, to bring unorganized men into the union, to walk into our union shops—not closed shops. And our constitution, a copy of which I will file with you, provides that any cigar maker must be accepted in the union. We can't and don't ballot on him. So much for your closed shops.

(Mr. Perkins submitted, in printed form, a pamphlet entitled "Constitution of the Cigar Makers' International Union of America," as amended and adopted at the Baltimore convention, September, 1912.)

The limitation of output—working men and women do not limit the output beyond a point where it is possible for human beings to work with anything akin to conserving their health and strength. Many say that through the efficiency now in our factories we are relegated to the industrial scrap heap of despair at the early age of 45 years. That may not be entirely true, but it is pretty nearly true. It is the fellow who has reached 50 years of age and got a few gray hairs who can testify. He applies for a position. Talk about limiting the output! Show me a single industry controlled by the big captains of industry that does not close down the minute there is not a ready market at prices that he fixes for his commodities. There is no such thing as the iron law of wages. There is no such thing as supply and demand. Modern means of production and distribution, crystallized into the modern trust, have long since exploded the idea of supply and demand. Your cold storage takes care of the supply and regulates the demand. The big trusts and the combinations of capital shut down their industries the minute there is an overproduction on the market that will in any way influence the prices which they fix for the manufactured commodity. So much for the limitation of the output.

Unions do not increase the cost of living. Seven or eight years ago, through an unfortunate strike, every single workingman in the packing houses in this city, every single labor organization down there, went out of existence. There is not a labor organization that has anything to do with the meat produced in the packing houses which supplies the world with meat. But since that time the price of meat has steadily gone upward. Labor organizations did it? Hum! There are none down there. We eat bread; we eat flour; there is nobody organized in the growing of wheat and flour.

Here is a straw hat. It does not belong to me. A few years ago I could buy a straw hat for a dollar. To-day you pay three for it; and there is not a single man or woman making straw hats that is organized. Who brought up the cost of living? The labor organizations? No, sir. So on down through the things that supply your tables—salt, pepper, oats, oatmeal—everything else that enters into the sustenance of daily life—does not come under organized labor. Don't charge that to us. We have got enough to answer for without being charged with that.

It was said here this morning that the rank and file might be all right, but the insinuation was that the officers, they might be the fellows.

Let me tell you this: Officers of labor organizations haven't got anything to sell, and we are honest because of that, if you please. The local union decides whether they are going to strike or not, and calls the strike off. As the executive officer of the international union I can't call off a strike or I can't organize one, either. I haven't got anything to sell; never did have. The rank and

file—in their hands is vested, generally speaking, the right to call or call off strikes. So much for the officers.

The good employer—a whole lot is said about him. He can't do these things if he wants to, because his competitor, the scoundrel or the skinflint, sets the pace. No matter how good he is, he can't do these things because of competition, and this is a competitive age. Organize them and put them on the same footing, the same basis, through our trade-union. That will minimize, in my judgment, social unrest.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Anything from the members of the commission?

Thank you, very much.

The commission will now stand adjourned.

(At 4.30 o'clock p. m., Saturday, July 25, 1914, the commission adjourned, to meet Monday, August 3, 1914, at 10 o'clock a. m., in the city of Lead, S. Dak.)

EXHIBITS.

WALKER EXHIBIT.

ILLINOIS STATE FEDERATION OF LABOR,
Springfield, Ill., October 7, 1914.

Mr. L. K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: Yours of the 30th ultimo received. I recall distinctly about agreeing to send you the records or the agreements made between the United Mine Workers and the coal operators, but I don't recall agreeing to get you those records for the Western Federation of Miners.

However, I have written Secretary Mills of that organization asking him to send you any copies of agreements they may have. I only know of one agreement between the copper-mine owners and the Western Federation of Miners, and that is the one in Butte City, Mont., which, in my judgment, was a rather primitive and crude sort of agreement, and I don't know that it will be of a great deal of value to you, except as an evidence of the beginning of that kind of relations between that organization and the employers.

Fraternally, yours,

J. H. WALKER.

WESTERN FEDERATION OF MINERS,
Denver, Colo., October 14, 1914.

Mr. LEWIS K. BROWN, *Chicago, Ill.*

DEAR SIR: Inclosed you will find copy of the agreements between the Butte locals of the Western Federation of Miners and the copper companies, which I am sending you at the request of John H. Walker.

Very truly, yours,

ERNEST MILLS,
Secretary-Treasurer.

ILLINOIS STATE FEDERATION OF LABOR,
Springfield, Ill., October 15, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Yours of the 15th received. I just got a letter from Secretary Mills, of the Western Federation of Miners, yesterday, in which he said that he was sending to you the copy of the agreements between their organization and the copper-mine owners.

I think there is a copy of an agreement between our organization and the Western Federation of Miners reached between a committee representing both organizations and ratified by the convention in both organizations.

I shall write and ask International Secretary-Treasurer William Green, of the miners' organization, to send you a copy of same, if they have it on file.

With best wishes I am, yours, truly,

J. H. WALKER.

UNITED MINE WORKERS OF AMERICA,
Indianapolis, Ind., October 28, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago, Ill.

MY DEAR SIR: After much delay, occasioned by having been absent from the office for some time, I am now replying to your letter of October 15, addressed to our mutual friend, John H. Walker, who has in turn referred it to me for answer.

There is no working agreement between the Western Federation of Miners and our organization, other than an understanding that we would exchange transfer cards; that is, cards issued by either organization would be accepted by both organizations and admit the bearers thereof to membership without the payment of initiation fee.

It was decided by the last international convention of the United Mine Workers that the international executive board of our organization should confer with the representatives of the Western Federation of Miners, with a view to amalgamation or closer affiliation. Acting in accordance with the action of the convention, our international executive board recently appointed a committee to confer with a like committee of the Western Federation of Miners. I understand the committee has held several meetings, and will, no doubt, in the near future submit a report.

I can not, of course, apprehend what their report will be on the matter, but will be pleased to give you further information on this subject after their report has been submitted and, if such should prove to be the case, adopted by our international executive board.

Very truly, yours,

WILLIAM GREEN,
Secretary-Treasurer.

BENT EXHIBIT NO. 3.

SPRINGFIELD, ILL., *June 10, 1914.*

The joint commission representing the United Mine Workers of Illinois, the Illinois Coal Operators' Association, the Fifth and Ninth District Coal Operators' Association, and the Central Illinois Coal Operators' Association, appointed for the purpose of providing the machinery for carrying out the arbitration provisions of the existing State contract, hereby provides as follows:

The arbitration commission shall consist of one representative appointed by the miners' organization, one by the three operators' associations acting jointly, and three by the two sides jointly. None of the said three shall be identified with the interests of either side, but preferably a majority thereof shall be men of practical experience in coal-mining matters. The commission shall have jurisdiction in connection with disputes jointly referred thereto. The miners and operators shall each appoint their direct representative prior to July 15, 1914, and in case they have not jointly appointed the other three by that time the two appointed shall make such appointments not later than August 15, 1914.

In making its decisions the commission shall be governed by the following considerations, giving precedence in the order named:

(1) The specific provisions of existing contracts, State subdistrict, and local.

(2) Stipulations in the record, unrepealed, interpreting the contract.

(3) Customs and practices, well established and recognized by both sides locally, not in conflict with the contracts or controlling stipulations.

(4) In all other matters and to the extent not covered by one or more of provisions 1, 2, and 3 hereof, by what it deems to be equitable between the parties to the dispute and sound in principle.

When the direct representatives on the two sides of the commission have disagreed they may jointly agree to refer any matter in dispute to any one of the other three for determination.

The services of the direct representatives of the two sides shall be continuously available and be compensated for on a monthly or annual basis by the two sides, respectively. The other three shall be paid one-half by the miners' organization and one-half by the operators' associations jointly, covering their traveling and living expenses while in the service hereunder and

either $10 per day or $150 per month. The portion of the expense to be borne by the operators hereunder shall be divided between the associations affected upon the basis of the respective annual tonnage of each.

A decision hereunder shall require a majority vote of the commission duly constituted. A duly constituted commission shall require the presence of the two direct representatives, and in the event of their disagreement shall require the presence of the two direct representatives and either the presence of one of the other three when so agreed upon by the two direct representatives, or in all other cases the presence of all the said three.

The commission as originally constituted shall serve for the period of the contract unless otherwise jointly agreed.

On behalf of miners.

JOSEPH POPE.
ADOLPH GERMER.
DUNCAN MCDONALD.
W. M. BURTON.
FRANK HEFFERLY.
FRANK MILEM.

On behalf of operators.

E. T. BENT.
THOMAS T. BREWSTER.
P. F. MURPHY.
P. J. WILSON.
A. J. MOORSHEAD.
JAMES FORESTER.

BENT EXHIBIT NO. 4.

OGLESBY COAL CO.,
Oglesby, Ill., November 9, 1914.

LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

MY DEAR SIR: On September 30 you wrote me asking for analysis of certain encroachments of the union on the coal operators' rights, which, at the hearing July 22, I offered to furnish you. Pressure of other duties has delayed my so doing before.

Instances of exactions in general can be cited without number, but I made particular reference to exactions that interfere with our efficient management of the properties and that cost us money, without giving the miner any practical result, that do not add to his earnings or make his conditions of employment appreciably better. I shall aim to distinguish between demands, whether wise and fair or not, that would increase wages, improve working conditions, or shorten hours, and demands which add to the cost of production without any corresponding benefit. I will cite a number of illustrative cases.

First. Illinois Third Vein Coal Co., Ladd. The miners demanded that the pump men and mule feeders discontinue caging coal for the railroad chutes on idle days, contending that this work, which requires from 10 to 20 minutes per idle day, should be done by the regular cagers, and that these cagers be allowed to go to work at 7 a. m. and remain until this caging is completed, although the caging could usually not be done until about 11 a. m. We were willing to give this trifling amount of work to other union men at work or to give it to the cagers if they would come to the mine at the time required, but were unwilling to have men under pay for hours who were not needed.

Second. Wenona Coal Co., Wenona. A day man who was transferred from shift work at the bottom of the shaft to coal mining demanded reinstatement to his former position. The man was transferred because his work was not satisfactory, because there was friction between him and fellow employees, and because he had refused to obey instructions. The miners held that the man could not be transferred unless it was charged and proved that he was incompetent.

Third. Alden Coal Co., Matherville. A miner was fined five times during the month of June for sending up impurities. The contract provides 50 cents for the first offense in the calendar month; for the second offense, $2; and "for the third or any subsequent offense in the same calendar month, $2 or be suspended." The miners contended that a miner could not be fined more than

three times in a single calendar month. The fine is made by inspector, who, if incompetent or unfair, can be removed, and the proceeds of the fines go to the miners' union. The only interest of the operators is to secure marketable coal.

Fourth. Wasson Coal Co., Harrisburg. During late August and early September, 1911, the men operating mining machines refused to work on the night shift preparing coal for the miners, throwing several mines idle. When the check off for September was turned in it was discovered that a portion thereof was for the support of the striking machine men. It was arranged as a compromise that these fines would be checked off, but would be held by the company pending a joint decision as to the right of the miners to have such check off. On pay day, August 30, the men demanded that the amount be turned over immediately, and when refused, went on strike September 1.

Fifth. Springfield Coal Mining Co., Taylorville. Owing to an accident to the dynamo, the haulage motor was out of service three days. It was agreed to divide the mine into two sections and have one section work each day until repairs to the dynamo had been completed. The men in one of the sections worked two days under this arrangement and the others worked one day. When the mine manager attempted to regulate the turn to even this up, about 37 men went home and later demanded that their turn be made up for that day.

Sixth. Burnwell Coal Co., Witt. A man who had been discharged about a year before was refused employment at the No. 1 mine, whereupon he went to the mine and engaged in a fight with the boss driver. On the following day the drivers demanded the discharge of the boss driver and refused to work, throwing the mine idle. The next day, a few of the drivers returned and the mine was operated at a greatly reduced tonnage, a number of miners filling the drivers' places. On the day following the miners at this mine and also at the No. 2 mine refused to work, and both mines were thrown idle for a period of about five days.

Seventh. Carterville & Herrin Coal Co., Herrin. The output of the mine was greatly reduced when the men refused to work on account of the railroad cars not being at the mine at 6.30 a. m. This was due to a resolution passed by the local union. A number of cars had been left over from the preceding day and 15 additional cars were delivered by the railroad company five minutes before starting time, giving them a sufficient number to have enabled the mine to operate that day. Only 25 of the men went into the mine.

Eighth. United Coal Mining Co., Christopher. The men refused to work because the supply of railroad cars was not on the mine track at 6.30 a. m., although a full supply was received before starting time. The suspension was due to a resolution adopted by the local union providing that the men would refuse to work unless the cars were placed by 6.30 a. m.

Ninth. Madison Coal Corporation, No. 6, Divernon. The company placed a gang leader in charge of each gang of company men for the purpose of having the work performed in a workmanlike manner and with safety to the men. These gang leaders were members of the miners' organization and had no authority to hire or discharge. The miners objected to these gang leaders, claiming their employment was in violation of the agreement. It was taken up at the time by the special agent and board member and later considered at a meeting of the joint board, no agreement being reached. The miners then served notice of independent action and shut the mine down on April 28, operations not being resumed until an agreement was reached June 6. The record shows that the opposition to gang leaders or face bosses is due to objection to oversight in the interest of efficiency.

Tenth. O'Gara Coal Co., Eldorado. On account of the absence of the regular motorman it was necessary for the mine manager to run the motor, he having been unable to get anyone else competent to do this work. On June 22 the pit committee sent all the men home, when he insisted upon running the motor, notwithstanding the fact that he requested them to perform this work, they refusing, claiming they were not competent.

Eleventh. Christian County Coal Co., Taylorville. On July 26 the miners were sent home by the pit committee, who claimed the mine was in an unsafe condition. Twelve day men had gone into the mine and were sent home by the mine manager when it was found there would be no work. Each of these men demanded two hours' compensation for going into the mine. The mine examiner had reported the mine in good condition and the county mine inspector examined the mine on the date in question and pronounced it safe.

Twelfth. Peabody Coal Co., Kortkamp. The mine was thrown idle from September 1 to 10 on account of a dispute over double-shifting machines.

Thirteenth. Peabody Coal Co., Taylor Springs. On the morning of October 17 one of the pit committeemen advised the men not to go down, stating that the pit committee had a number of cases to be adjusted before the miners could go below. The other two members of the pit committee advised the men to go below, but practically all of the men refused and the mine was thrown idle October 17 and 18.

Fourteenth. Taylor Coal Co., Herrin. A miner was discharged for drilling and charging a dead hole. The assistant mine manager saw the shot and instructed the shot firer to inspect it closely before firing it. The shot firer pronounced it a practical shot and fired it. Both the State and county inspectors examined the shot and pronounced it a dead hole. The miners demanded his reinstatement with compensation for lost time.

Fifteenth. Chicago-Sandoval Coal Co., Sandoval. The miners asked that certain authority be taken away from a man who was employed at the bottom of the mine and who was given orders by the manager to give to other men around the shaft bottom. This man was a member of the United Mine Workers of America. Their purpose was to keep this man from telling anyone what to do in the absence of the mine manager, and thereby to hinder as much as possible the output of the mine, with no reason other than that less work would be performed by the shift men at the shaft bottom. We were compelled to relieve him of this authority.

Sixteenth. Chicago-Sandoval Coal Co., Sandoval. The company wished to drive 21-foot entries, and the men refused to comply and insisted that the company either pay the 20-foot yardage rate or drive the entries 30 feet. The 21-foot entries would cause no reduction in wages to the miners, but the question involves considerable cost to the operator and takes away his management of the property.

Seventeenth. Big Muddy Coal & Iron Co., Murphysboro. Had a room fall in and did not care to neck it, but had the room widened without a neck and the miners insisted that a 4-foot neck be paid for although it was never driven. The company refused to pay for it. The miners served notice of independent action and forced it to pay for work that was never performed. It is no reduction to the miner not to drive this neck, but quite a useless thing to the operator to permit and an outlay of money that is not necessary.

Eighteenth. Throughout one subdistrict of the State and at many other mines the union forbids member from making any statement as witness in regard to an injury to a fellow workman under penalty of fine. This prevents ascertainment of facts, encourages fraud, and makes well nigh impossible adjusting personal injury claims fairly. Men are also intimidated and sometimes fined who give information contrary to the interests of the miners in the investigation of disputes.

Nineteenth. Madison Coal Corporation, Divernon. The mine manager noticed several cars of coal on the mine bottom which contained impurities. He docked the miners who loaded these cars and assessed fines against them. The miners contended that the mine manager exceeded his authority by acting as coal inspector and asked that these fines be refunded. It was taken up in Springfield, March 1, by Special Agent Burns and Board Member Clark. They agreed that in accordance with the joint records on the docking question the mine manager can not be dock boss and that fines assessed by him in this instance shall be returned to the miners affected.

Twentieth. Benton District Coal Co., Hanaford. The checkweighman claimed one morning that on account of some boards being off the weigh room it was too cold for him to remain at work. The superintendent instructed a top man to make such repairs as the checkweighman desired, but the checkweighman then stated he was ill and went home. The mine worked until noon and the pit committee then went around and told the men that they did not have a checkweighman and the mine was closed down during the afternoon. The following day the checkweighman did not report for work and the pit committee claimed they could not get a man to take his place. The mine operated until 10 o'clock, when the pit committee again went around the mine and informed the men they had no checkweighman and the mine was thrown idle. Later the miners claimed they went home because there was ice in the air shaft. The company insisted that there was no ice in the air shaft on the second day and demanded that the pit committee be deposed, the men fined, and the checkweighman removed.

Twenty-first. Odin Coal Co., Odin. A wheel broke on a machine truck and a new one was ordered from the factory. The company had the night men use

a machine from another territory that was also used on the day shift. After the second night they refused to use it, claiming the company should keep repairs on hand. The wheel did not arrive until 10 days later. Ten loaders and two machine men demanded compensation for time lost.

I am sending you under separate cover proceedings of the last Illinois State Conference. The miners' demands thereat are to be found on pages 8–13, inclusive. Attention is called to paragraph 2 of the sixth clause thereof attempting to obstruct the detection of the loading of dirty coal. Also the eighth clause demanding that only union-made powder be furnished, when comparatively little union-made powder is on the market.

Paragraph I, clause 13, forbidding hiring of any man unless he can be given regular employment when the mine is in operation, although under certain conditions such men are indispensable to maintain the output of the mine.

Paragraph J, of the same clause, attempting to require the employment of men in the order of their application, regardless of qualifications or acceptability.

Clauses 18 and 19, attempting to compel employment of union labor for extensive repair and construction work not subject to the jurisdiction of the miners under the contract.

Attention is also called to paragraph 2, section 2, of the 1914 agreement, found on page 314 thereof. Although assistant bosses obviously add to the efficiency and lessen the hazard, the miners strongly resist their employment, although wholly at the expense of the operator, and this compromise paragraph was reluctantly conceded.

Section 20, paragraph A. Man can be absent from work for one day without consent, without good cause, and can not be disciplined. Many men are idle in consequence semimonthly, after pay day, and intemperance encouraged. So far as I know no such license is given in other organized trades.

On pages 3–6, inclusive, is found an index of the proceedings, listed by contract paragraphs. Attention is called to section 2 (note particularly page 90); section 6 (note particularly page 95); section 10 (note particularly pages 193–194 and 209–254); section 12 (note particularly page 229); section 13 (note particularly paragraphs B and G); section 16; section 20; section 25; section 28; and the subject of subdistrict and local agreements.

I hope I have not given you too many illustrations of the abuses which I had in mind in testifying. The effort is so incessant and so much of it is so illegitimate that the movement is subjected to a needless strain.

Very truly, yours,

EDWARD T. BENT.

NESTOR EXHIBIT.

CONSTITUTION OF THE WOMEN'S TRADE UNION LEAGUE OF CHICAGO.

PLATFORM.

1. Organization of all workers into trade-unions.
2. Equal pay for equal work.
3. Eight-hour day.
4. A living wage.
5. Full citizenship for women.

ARTICLE I.

NAME.

The name of this organization shall be the Women's Trade Union League of Chicago.

ARTICLE II.

OBJECT.

The object of this organization shall be to promote the interests of the trade organization of women, to forward labor legislation, to assist the local trade-unions, and to aid in the formation of new unions in all trades, especially where

women are employed, such unions to be affiliated with the American Federation of Labor and with their national or international organization, if such exists.

ARTICLE III.

MEMBERSHIP.

SECTION 1. The membership of the Women's Trade Union League of Chicago shall consist of local trade-unions, of individual trade-unionists in good standing, of men and women who sympathize with the objects of the league, called allies, and of other affiliated organizations, all of whom must be approved by a majority vote of the executive board and admitted by vote of the organization.

SEC. 2. Local trade-unions which are affiliated with the national or international unions of their own trades, if such exist, and with the American Federation of Labor are eligible for membership.

SEC. 3. Any trade-unionist in good standing is eligible for membership in this organization by declaring herself or himself in sympathy with its objects and sending signed application blank.

SEC. 4. Other organizations are eligible for membership in this organization by indorsing the platform and by sending signed application blank, signed by their president and secretary, accompanied by dues.

SEC. 5. Organizations not affiliated with the national or international unions of their own trades, if such exist, or organizations in a state of dissention are ineligible to membership.

ARTICLE IV.

REPRESENTATION.

SECTION 1. Trade-unions and other organizations affiliated with the league shall be entitled to two delegates, each of whom shall have one vote at all league meetings.

SEC. 2. All individual members, whether trade-unionists or allies, shall have one vote.

ARTICLE V.

OFFICERS.

SECTION 1. The officers shall consist of president, vice president, secretary, and treasurer.

SEC. 2. Officers shall be elected to serve for one year.

SEC. 3. The president shall perform the usual duties of office.

SEC. 4. The vice president shall perform all the duties of the president in her absence.

SEC. 5. The secretary shall have charge of all correspondence of the league and shall perform the usual duties pertaining to the office.

SEC. 6. The treasurer shall receive and take charge of all money paid into the league and shall deposit it in a bank approved by the executive board in the name of the Women's Trade Union League of Chicago.

SEC. 7. The treasurer shall have charge of the funds of the league, which shall be paid out only upon warrants signed by the president and secretary and authorized paid by the executive board.

SEC. 8. The treasurer shall be bonded in a responsible surety company to an amount determined by the executive board, the fee for this bond to be paid by the league.

SEC. 9. The treasurer shall send out notices for dues.

ARTICLE VI.

EXECUTIVE BOARD.

SECTION 1. The executive board shall consist of 4 officers and 15 members elected at the annual meeting.

SEC. 2. A majority of the executive board shall be trade-unionists in good standing.

SEC. 3. The number of the executive board present shall constitute a quorum, after due notification has been given, provided that there be a majority of trade-unionists present.

SEC. 4. Any officer or member of the executive board absent from three consecutive meetings of the board without reasonable excuse shall cease to be an officer or member, and said office shall become vacant after due notice has been given by the secretary.

ARTICLE VII.

COMMITTEE.

SECTION 1. The standing committees shall be organization, legislative, finance, district, health, education, suffrage, grievance, and label committees.

SEC. 2. The president shall appoint the chairman of standing committees, subject to the approval of the executive board.

SEC. 3. The chairman of the standing committees shall report to the executive board.

SEC. 4. The auditing committee shall consist of three members, who shall be elected at the annual meeting.

SEC. 5. The duty of the auditing committee shall be to examine all vouchers and account, and audit the financial affairs of the league quarterly. Its report, signed by the committee, shall be given at the regular meeting of the league.

ARTICLE VIII.

ELECTIONS.

SECTION 1. Nominations for all officers and members of the executive board and for the auditing committee shall be made at the December monthly meeting.

SEC. 2. The president, vice president, secretary, and treasurer shall be elected by ballot, each separately.

SEC. 3. Members of the executive board shall be elected by ballot, and of these a majority must be trade-unionists in good standing.

SEC. 4. The auditing committee shall consist of a chairman and two members, which are elected at the annual meeting.

SEC. 5. Only delegates of trade-unions and of organizations and of trade-unionists and allies whose dues are paid up shall be entitled to vote at league meetings.

SEC. 6. In case of unfaithfulness to duty on the part of any officer, such officer shall be subject to recall by the membership, provided 20 per cent of the membership desires to initiate such recall.

ARTICLE IX.

DUES.

SECTION 1. The dues of individual members shall be $1 per year. All affiliated trade-unions shall pay a per capita tax of 1 cent per month on women members, payable monthly. Dues for other organizations shall be $5 per annum.

SEC. 2. Any member who has not paid her or his dues within three months after receiving notification for dues thereby ceases to be a member.

SEC. 3. Upon payment of all indebtedness, such person may be reinstated to membership by vote of the executive board.

ARTICLE X.

MEETINGS.

SECTION 1. Regular meetings shall be held once a month unless otherwise arranged by the executive board after due notification to the members.

SEC. 2. The annual meeting shall be held on the second Sunday in January.

ARTICLE XI.

ORGANIZERS.

SECTION 1. Organizers shall give weekly reports on blanks furnished by the league.

ARTICLE XII.

COOPERATION IN TIMES OF STRIKES.

(Provisions in Article XII were unanimously adopted by the third biennial convention, Boston, June, 1911.)

SECTION 1. Any union planning a strike and asking assistance from the Women's Trade Union League shall state its grievances and permit two representatives of the league to attend its executive board meetings; and notice of such representation shall consist of a resolution passed by the executive committee of the union requesting assistance from the league.

SEC. 2. When the league is approached in reference to a strike after securing full information as to plans, the league shall take no part till after calling an executive board meeting and appointing a committee to have charge of the strike. The league shall report immediately such action taken to the national league and give a full report of all facts. This plan shall be carried out in accordance with the provisions of the special program for strike situations.

SEC. 3. In the event of cooperating in a strike, the league shall have charge of all arrangements under which girls are sent out to the union asking for moral and financial aid.

SEC. 4. *Outline of work in times of strike.*—(1) Organization and direction of public opinion, (2) patrolling the streets, (3) fair play in the courts, (4) to help in the raising of funds through unions and allies, (5) where the workers are unorganized, help in the formation of trade-union organization.

SEC. 5. The league shall not cooperate in any strike outside of the city except with the consent of the National Women's Trade Union League.

ARTICLE XIII.

AMENDMENTS.

A majority of those present and entitled to vote at any league meeting shall have power to amend this constitution, 30 days' notice having been given to all members.

ABBOTT EXHIBIT.

BY-LAWS.

ARTICLE 1.

Name.—The name of this organization shall be the League for the Protection of Immigrants. Changed February 23, 1911, to Immigrants' Protective League.

ARTICLE 2.

Objects.—The objects of this organization shall be to apply the civic, social, and philanthropic resources of the city to the needs of foreigners in Chicago, to protect them from exploitation, to cooperate with the Federal, State, and local authorities, and with similar organizations in other localities, and to protect the right of asylum in all proper cases.

ARTICLE 3.

Members.—Members shall be of two classes, individuals and organizations: (1) Any person interested in promoting the objects of the league and approved by executive committee shall be eligible to membership; (2) any organization approved by the executive committee which shall express a willingness to cooperate in the work of the league shall become a member by appointing a delegate to represent it.

ARTICLE 4.

Dues.—The annual dues for individuals shall be $2, for organizations $5.

ARTICLE 5.

Board of directors.—There shall be a board of directors consisting of 30 members elected by the league for a term of three years, except that of those first elected, 10 shall be elected for one year only and 10 for two years only. The board of directors shall have power to transact the business of the league in the interim of its meetings.

ARTICLE 6.

Officers.—The officers to be elected by the board of directors for a term of one year, or until their successors are elected, shall be a president, two vice presidents, a secretary, a treasurer, and two members of the executive committee. Their powers and duties shall be those usually appertaining to their respective offices.

ARTICLE 7.

Executive committee.—The officers ennumerated in article 6, together with two others to be appointed by the president, shall constitute an executive committee with power to transact business in the interim of meetings of the directors.

ARTICLE 8.

Meetings.—An annual meeting of the league for the election of officers and receiving reports shall be held during the third week of February; other meetings may be held on the call of the president or of three members of the board of directors. The board of directors shall hold quarterly meetings during the third week of February, May, August, and November. Other meetings of the board may be held at the call of the president or of two members of the board.

ARTICLE 9.

Quorum.—One-third of the members of the league and one-third of the members of the board of directors shall constitute a quorum of their respective bodies with full power to do business. Four shall constitute a quorum of the executive committee.

ARTICLE 10.

Amendments.—This constitution may be amended by a majority of those present at any meeting, notice of the proposed amendment having been given in writing in the call for the meeting.

SACHS EXHIBIT NO. 3.

CONSIDERATIONS WHICH LED TO THE CAMPAIGN OF THE COMMITTEE ON FACTORIES OF THE CHICAGO TUBERCULOSIS INSTITUTE FOR MEDICAL EXAMINATIONS OF EMPLOYEES.

The campaign for medical examinations of employees, conducted during the last three years by the committee on factories of the Chicago Tuberculosis Institute, was prompted by the following considerations:

1. The importance of early diagnosis and treatment of physical conditions in working people which can be easily rectified in their early stages, viz, tuberculosis and other diseases.
2. The importance of definite knowledge of physical conditions of employees as means of protecting them from communicable diseases.
3. The importance of definite knowledge of prevalence of certain diseases in certain industries as indicators of conditions of work that should be eliminated.
4. The importance of definite knowledge concerning condition of individual employee, permitting assignment to work suitable to his physical condition.
5. Appreciation of health of employee as foundation of his working efficiency.

METHODS USED BY THE INSTITUTE TO PROMULGATE THE PRINCIPLE OF MEDICAL EXAMINATION OF EMPLOYEES.

In the early stages of the campaign the institute became aware of the existence of various factors which have to be eliminated or rectified before supervision of health of employees, by means of medical examinations, can be come a part of a system in an industrial establishment. Additional factors came into view with the progress of the campaign.

The important factors and the methods used in dealing with them were as follows:

1. Lack of appreciation on the part of the average employer of the health of employee as fundamental condition of his working efficiency. The committee on factories of the institute during the last three years published three pamphlets on this subject. Twenty-five thousand copies were distributed among commercial and manufacturing establishments and labor unions of Chicago; 5,000 among such establishments and various associations all over the country.

Copies of these pamphlets are here appended. (Exhibits I, II, and III.)[1]

2. Prevalent tendency among business men to believe that their concern has no health problem and, if such a problem as for instance tuberculosis problem exists anywhere, it is to be found in some other establishment.

To direct the attention of the individual employer to the existence of a health problem in his own place the committee on factories of the Chicago Tuberculosis Institute held numerous conferences with individual employers to convince them that no concern knows anything about prevalence of disease among their employees until data are gathered through a system of systematic medical examinations.

To call attention to the various phases of the tuberculosis problem in a working place the committee on factories employed a specially designed chart by which the problem is graphically presented. In many cases concerns were converted by this method. A copy of this chart is here appended. (Exhibit IV.)[2]

3. Great diversion of views, even among broad-minded business men, concerning the relative importance of the various phases of health work in a concern.

To adjust the existing views and to learn by interchange of experiences and opinions, the committee on factories of the Chicago Tuberculosis Institute inaugurated midday conferences on the various phases of the problem of supervision of health of employees.

At these conferences were present owners of concerns, their superintendents, managers of welfare departments, physicians, and nurses connected with concerns, etc.

In all, in the last three years, 20 conferences were held with the average attendance of 30 to 60. At these conferences 47 firms were represented employing in all about 187,100 people.

The following figures show the progress made:

	At the beginning of the campaign 3 years ago.	At present.
Number of firms participating in the conferences	1	47
Number of employees represented	20,000	187,100
Examination of all suspicious cases of illness in firms with the following number of employees	30,000	150,000
Number of employees in firms practicing examination of new employees	0	58,000

4. Importance of a national campaign for the gradual universal adoption of principle of medical examination of employees.

[1] Exhibit I, "Examination of Employees for Tuberculosis," published by the committee on factories of the Chicago Tuberculosis Institute; Exhibit II, idem; Exhibit III, "Bulletin of the Chicago Tuberculosis Institute; History of the Two Years' Campaign of the committee on factories of the Chicago Tuberculosis Institute," were submitted in printed form.

[2] Exhibit IV, chart, "Tuberculosis Problem in a Working Place," issued by the committee on factories of the Chicago Tuberculosis Institute, was submitted in printed form.

In the course of the campaign conducted by the committee on factories of the Chicago Tuberculosis Institute, it became apparent that the campaign must be made national to achieve progress in a more substantial way. As in all matters of public policy, adoption of fundamental principles must be national in scope to insure substantial progress.

As the first step in this direction, the institute presented the experiences of its three years' campaign at the meeting of the advisory council of the national association. A proofreader's copy of the transactions of the meeting of the advisory council is here appended. (Exhibit V.[1]) Additional copies can be furnished by the National Association for the Study and Prevention of Tuberculosis, 105 East Twenty-second Street, New York.

ADVANTAGES OF HAVING A SYSTEM OF MEDICAL SUPERVISION IN LARGE PLANTS AND FACTORIES. EXPERIENCE WHERE SUCH SYSTEM HAS BEEN INAUGURATED.

The advantages of having a system of supervision of health of employees in a working place, as demonstrated by the operation of this principle in various concerns in Chicago and elsewhere, are stated below. The method of supervision is described on page 3 of Bulletin 3 of the Chicago Tuberculosis Institute. (Exhibit III.)

The method comprises: (*a*) Constant watch of the physical condition of employees by those who direct their work, as foremen, superintendents, etc., who are instructed in this task in periodic conferences with physicians and nurses employed by the firm; (*b*) examination of all new employees; and (*c*) periodic reexamination.

The effect of the systematic supervision of health of employees is as follows:

1. Early detection of gradually developing breakdowns. The vast majority of conditions, detected through a system of supervision, belong to this class. The remedy applied is simple and easy of accomplishment in majority of instances. It may imply a rearrangement of individual régime, as extended hours of night rest, better ventilation of bedrooms, avoidance of injurious practices, etc. In some cases a vacation may be desirable, etc. In a small number of cases change of occupation is imperative. Considering that these slight impairments of general condition are very frequent and, if unattended, lead to complete breakdowns or developments of diseases which come in the wake of malnutrition, weakness, anaemia, etc. (such as tuberculosis, for instance), a clear idea can be had of the tremendous advantage of supervision and right medical advice in such cases.

2. Early diagnosis of many diseases which at present are diagnosed, in hopeless stages, in a large percentage of instances. Take tuberculosis for instance. The experience of Chicago concerns (with a system of medical supervision) has demonstrated that in the first year of operation of such a system a large number of advanced cases is discovered. With the progress of the work the largest percentage of cases are incipient, in which the period of necessary treatment may be a few months, and the result in a large percentage of cases is not only restitution of health but working power as well.

3. Detection and control of sources of infection in a working force. It is apparent that workers suffering with tuberculosis (in communicable stages), or other similar conditions remain unknown and unchecked in working places without a system of medical supervision.

4. The gradual appraisal of harmful conditions in various kinds of work, as brought out by prevalence of disease due to such conditions. In the few years' experience with systematic supervision of health of employees in various Chicago concerns, the discovery of increased prevalence of certain conditions in a department—viz, bronchitis, asthma, tuberculosis, etc.—lead to the installation of extensive ventilating systems, dust removing systems, improved sanitation of lavatories, etc.

5. The gradual change of attitude of employees toward health and various preventive measures. A concern finds that with the establishment of medical supervision only 40 per cent of those discovered tuberculous agreed to go to a sanatorium at the expense of the employees' benefit association, in the second year 60 per cent went, in the third year about 80 per cent. A similiar change

[1] Exhibit V, "Medical Examination of Employees," a symposium before the National Association for the Study and Prevention of Tuberculosis, reprinted from the Transactions of the tenth annual meeting of the National Association for the Study and Prevention of Tuberculosis.

of attitude observed in relation to various conditions and practices. This rectified attitude extends not only to working people but to their families, to their homes and friends.

6. A higher standard of health and efficiency of the entire working force.

7. A better understanding between a firm, its foreman, and employees, the relationship of which becomes modified by the operation of a system having for its object the preservation of the health of the employee.

SUPPLEMENTARY ARRANGEMENT NECESSARY TO MAKE SUPERVISION OF HEALTH OF WORKING PEOPLE IN THIS COUNTRY A PERMANENT AND JUSTLY ADMINISTERED INSTITUTION.

1. Compulsory sickness and invalidity insurance, with State, employer, and employee as contributors to the insurance fund; a measure very essential to the liberation of our working population from dependence in case of sickness or invalidity.

2. Systematic supervision of health of workers as a part of the system of industrial insurance, resulting in a lower cost of insurance administered on the basis of prevention.

3. Administration of insurance of sickness and invalidity insurance funds with State, employer, and employee adequately represented, thus changing the worker from merely a recipient of advantages of preventive work to an administrator and recipient.

The preservation of the health of the worker is the most important condition of any industrial arrangement in formulating the minimum hygienic requirements for various industries. The conditions of work and the conditions of men employed must be considered. This can be accomplished only through systematic supervision of health of those employed in various industries, as the health of the worker is the most important criterion of what should be the conditions of work.

DONNELLEY EXHIBIT.

R. R. DONNELLEY & SONS CO.,
Chicago, October 20, 1914.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Chicago.

GENTLEMEN: In re time of employment of employees. Replying to your letter of October 1, I would say that of 601 men on our pay roll this week 103 have been with us for more than five years. Out of 209 women 28 have been with us for more than five years. These records do not include any of our apprentices who are not of age nor any of our office or executive force.

This is hardly a fair showing of the present permanent condition of our organization, as some of our departments were just recovering from strikes five years ago, where the entire organization was new, and it takes considerable time to get a permanent organization under such conditions. I am quite sure in another five years our records will be very different.

Concerning the comparative costs of product under union and nonunion conditions, it is impossible for us to compare present costs when we are running closed shop, as our cost systems are entirely different and the wage scale has been materially increased during the last few years. In comparing our plant in Chicago, which we run under open shop, and our plant in Indianapolis, which is run under union conditions, the costs on one item of composition vary as to 3,850 to 4,050 in favor of the Chicago house.

Also, in regard to hand folding, the efficiency per hour in Chicago is about 25 per cent higher than in the Indianapolis plant.

Respectfully, yours,

R. R. DONNELLEY & SONS CO.,
THOMAS E. DONNELLEY, *President.*

LIFE AND LABOR CONDITIONS OF CHICAGO STOCKYARDS EMPLOYEES

(For exhibits under this subject, see pages 3519 to 3531)

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, *April 15, 1915.*

TESTIMONY OF PROF. JOHN C. KENNEDY.

Chairman WALSH. Your name, please.

Prof. KENNEDY. John C. Kennedy.

Chairman WALSH. What is your occupation?

Prof. KENNEDY. Secretary of the Socialist Party of Illinois and alderman of the twenty-second ward.

Chairman WALSH. Chicago, Ill.?

Prof. KENNEDY. Chicago, Ill.

Chairman WALSH. What has been your business or profession in recent years—in the recent past?

Prof. KENNEDY. I have been a teacher of economics at Cornell University and University of Chicago, and a sociological investigator.

Chairman WALSH. Covering what periods did those employments exist?

Prof. KENNEDY. At Cornell University I was a teacher in the year 1907 and in the Chicago University in 1908 and 1909; conducted a sociological survey in the Chicago Stockyards district during the years 1910 and 1911; was employed by the Chicago Association of Commerce as housing investigator in 1912.

Chairman WALSH. Please state the circumstances under which the stockyards investigation was made.

Prof. KENNEDY. The University of Chicago Settlement, which was located in that neighborhood, wished to have a study made of the district—the working conditions, the housing conditions, wages, and so on, and in order to understand the conditions under which it was doing its work. At that time I was teaching in the University of Chicago and was acquainted with some of the directors of the University of Chicago Settlement, and they selected me as the one fitted, in their opinion, to conduct that work.

Chairman WALSH. You were teaching in the university at that time?

Prof. KENNEDY. At that time; yes, sir.

Chairman WALSH. I wish you would state briefly what the purpose of the Chicago University Settlement was.

Prof. KENNEDY. The purpose of the settlement is to be of service to the people in that community in the way of educational work. To a certain extent there are classes held in citizenship and instruction is given along the line of sanitation to the people living in the community; lectures are held; discussions held; and there is a great deal of what they call personal-service work; people that are sick or in trouble in one way or another come to the settlement to get assistance or aid. It is also the headquarters of a visiting nurse; there is a kindergarten located there also.

Chairman WALSH. How much of a staff has this university settlement?

Prof. KENNEDY. There is a head resident who devotes all of her time to the work there. Then, I suppose there are a dozen residents, some of whom are paid by various organizations or groups in the community, living outside, interested in one thing and another, such as the kindergarten, visiting nurses' work; I should say there are about a dozen who are resident there. Then there are some others who come and go; work an evening now and then; perhaps a dozen more.

Chairman WALSH. How is the settlement maintained?

Prof. KENNEDY. It is maintained by voluntary contributions from people who are interested in the work that is being done there. The University of Chicago, I believe, contributes the Sunday collections which are taken at Mandel Hall. Then subscriptions are made by people who are interested in the settlement work.

Chairman WALSH. About what is the total cost of maintenance per year?

Prof. KENNEDY. I don't know the budget, but I assume it is in the neighborhood of probably six or seven thousand dollars; it might be more or less; I couldn't say exactly.

Chairman WALSH. Will you please state the methods employed by you and the extent of the inquiry which you made?

Prof. KENNEDY. The work was divided up into sections, one part, dealing with the wages and working conditions in the packing houses, conducted by myself. Another part, dealing with family budgets, was conducted mainly by three assistants, and there was a part dealing with the educational opportunities in the neighborhood and the health of the children, and so on, which was conducted by two other assistants. I think those were the main departments of the investigation.

Chairman WALSH. Was the entire survey under your direction?

Prof. KENNEDY. The entire survey was under my direction; yes.

Chairman WALSH. You say that included an inquiry into wages?

Prof. KENNEDY. Working conditions—wages and working conditions.

Chairman WALSH. I will ask you to please, in your own way, present to this commission a statement of the conditions as you found them and your interpretation of the facts.

Prof. KENNEDY. I might say at the outset much of this data is found in a report which was published of this investigation. This section on wages and family budget, not all of it, but much of the material which I would submit, is found there. Now, perhaps the best thing I can do is simply to comment upon what you can find there.

Chairman WALSH. Well, I wish you would indicate. Was your entire report published?

Prof. KENNEDY. Not all of it. The report as I wrote it consisted of two parts—the statement of fact, and then a statemen of the interpretation and suggestion as to what might be done to improve conditions. The statement of the fact was, in the main, published as I wrote it. The interpretation of these facts was not published. I have it with me.

(See Kennedy Exhibit No. 1.)

Chairman WALSH. And the conclusions; how as to those?

Prof. KENNEDY. The conclusions were not published either.

Chairman WALSH. How was the matter disposed of; how was the question of publishing or not publishing disposed of?

Prof. KENNEDY. The report as I prepared it was turned over to an editing committee of the directors of the University of Chicago Settlement.

Chairman WALSH. How many of those?

Prof. KENNEDY. I think there were three on that committee. They were selected by the board of directors of the settlement.

Chairman WALSH. Who were they?

Prof. KENNEDY. I believe Mr. Larned, Mr. Bond, and the late Prof. Henderson, I believe, were the committee. They went over the report as I submitted it and decided that it would be best simply to publish the statement of fact and leave out the recommendations and the interpretation of those facts as I put them. So, that part of the report which I considered most important, personally, was left out.

Chairman WALSH. Well, what was the history, if there was any history, of the leaving out of that part of the report?

Prof. KENNEDY. Well, the board thought that—I might say that my conclusion after looking into the matter was that probably the best thing to help conditions in that district, in that industry, would be the organization of a labor union—that is, that the organization of the workers would be the best protection for the workers, and in my interpretation of the conditions and the facts, as I found them, I emphasized that point very strongly. It seems that the editing committee thought that that was a personal idea that had no place in a scientific report. So it was left out, and the material which bore out that part of my conclusion was left out entirely.

Chairman WALSH. Was there any request made by anyone to leave it out, or was it passed on by anyone else, or referred to anyone else, any of the companies involved?

Prof. KENNEDY. Well, when the report was put in proof it was submitted to the various packers, at least their agents or attorneys, and they, some of them, commended the report, stated they believed it to be accurate in every respect so far as they could see, and others made adverse criticism. And the representa-

tive of Mr. Armour, his attorney, stated that so far as the discussion of the union was concerned that it was a partisan document and was not a scientific report in that respect. I don't know whether that had anything to do with the decision of the committee about leaving that part out of the report or not. At any rate, it was left out.

Chairman WALSH. When you started to do the work, what lines were laid out? Was there a line laid out for you, or did you submit an outline, or anything of that sort?

Prof. KENNEDY. Yes, sir. I made an outline of the various departments to be covered, and the information which seemed ought to be included in that report. That was agreed upon at the outset.

Chairman WALSH. Did your outline indicate that you were to make conclusions or interpret the facts that you found?

Prof. KENNEDY. I should say so; yes, sir.

Chairman WALSH. Have you the correspondence there with reference to the publication of the report?

Prof. KENNEDY. Well, I have it in the grip outside here in the office. I did not bring the correspondence in. I have simply the report.

Chairman WALSH. You can go ahead now in your own way, in answer to the question I asked you a few moments ago. You may submit the correspondence afterwards.

Prof. KENNEDY. Well, I might say that the first part of the investigation did not have any direct bearing on wages. It was a sort of understanding of the community, and to see the forces which surrounded the packing industry or were active in the packing industry. The industry had been growing rapidly in Chicago, I found, by going over the history of it. Furthermore, the personnel had been changed, especially of the employees.

In the earlier days the work had been done chiefly by English-speaking workers. Their places were gradually taken by Bohemian and German workers. Later on, the Slavic immigrants came in in larger numbers, so that by the time my investigation was begun, probably half, and in fact about half, of all the workers in the packing industry were what would be called non-English-speaking workers. They could probably understand a little English, but were recent immigrants, Poles, Slavocs, Lithuanians; so the type of worker had changed very rapidly in the industry, and of course that had some bearing upon the wages, upon the wage conditions, and the working conditions. Now, as to how those immigrants came to Chicago, and why they came, I am not prepared to say. It may be that they came voluntarily, without any urging, or it may be there was advertising done to bring them here. I have not gathered any evidence which would show one way or the other, but at any rate there was a large influx of those types of immigrants, so much so that apparently at all times there is an army of unemployed workers around about the packing houses. I went over to the employment offices of the packers frequently early in the morning to see what the conditions were. And there never was a time when there were not hundreds asking for jobs, and on some occasions it would run up to the thousands that would appear at the employment bureau of Armour, Swift, and Morris and the other companies.

Chairman WALSH. That was during what period?

Prof. KENNEDY. That was during the entire time when I was studying conditions there.

Chairman WALSH. From what date to what date?

Prof. KENNEDY. During the years 1910 and 1911.

Chairman WALSH. You might describe, if you will, please, how the employment was made.

Prof. Kennedy. Well, undoubtedly there were different systems for the different groups; that is to say, if they were selecting an assistant manager, they would select that assistant manager in one way, and there would not be a group of assistant managers lined up at the employment office wanting for someone to come out and tap them on the shoulder and say, "Come along, I want you." The rank and file of the workers, the mass of them, were unskilled. They were hired in about that way. There would be a long row out in front of the employment office as a rule anywhere from 200 to 1,000 men, and these were, as I say, recent immigrants, and are to-day if the conditions are the same as they were then; and the employment agent would look over the group generally and pick out those who seemed to be the sturdiest and best fitted to do the unskilled work. So far as I could see there was no bargaining and discus-

sion about wages, terms of employment, or anything of that sort. Just the employment agent would tap the one he wanted on the shoulder and say, "Come along." And that would be all there would be to it in the hiring process.

Now, generally a few would be hired, and the other hundred would be turned away. Sometimes the policeman would swing his club over their heads to a certain extent, not necessarily to injure them, but to start the movement out of the yards, and say, "Get out of here," and out they would go. The same group would come back the next morning.

Chairman WALSH. They reported but once a day, did they?

Prof. KENNEDY. Yes; that is, the main group.

Chairman WALSH. What hour?

Prof. KENNEDY. From 6 to 7 they would stand around. Now, that is the system of employment or that was the system at that time. The group would assemble every morning, and the employment agent would pick out the number that they thought they needed for that day. Of course, I think you all understand that in the packing industry the employment conditions are very unstable. They do not hire those unskilled laborers by contract, for a week or a month or a year or anything of the sort. A man never knows whether he is hired for an hour or for a week. And in certain departments they have a blackboard which says to report for work at 10 o'clock to-morrow morning, or to report for work at 7 o'clock, or to report for work at any certain hour. The workers never know from one day's end to another as to whether they will work at so many hours or whether they will work the next day. Conditions are very unstable. So it is in hiring these groups of workers. The agent selects as many as he needs that day. They might be discharged that night. Of course, as a rule, they are not. They are employed for a longer time. But there is always this group around there from which the packers can draw the additional labor supply, or at least I never saw any time when there was not a group who were ready to take jobs whenever they had them to give. Now, that, of course, had a bearing on the wage scale. Whenever there is such a supply as that available, of course the employers feel that they are at liberty to pay only such wages as are necessary to keep up their supply of labor.

So far as I could see, the stockyards employers were never in any very great difficulty to get all the unskilled labor they wanted in that community. So I though that was probably one explanation of the wage scale, probably the most important explanation—the fact that here was a group who were unorganized, who were competing for jobs, many of whom could not speak the English language, were glad to get jobs of any sort under almost any condition. Now, they would go to work where they were put. But I should say 60 per cent of the workers in the packing industry don't need much previous instruction to do their work. The industry has been so organized and developed that in one department after another they depend upon machinery to do a great deal of the work, and by the subdivision of labor into small pieces, very, very small processes, they are able to get most of the work done by those who have had no particular training. So it makes all these peasants available material for the industry, and enables them to keep the wages down to the level of unskilled labor in almost all the departments. Now, the figures which I gathered regarding these wages were taken from the books of the packers in their timekeepers' offices. An arrangement was made whereby in gathering this data I was allowed to consult the books of Armour & Co., and I spent about a month and a half in their offices gathering this material, copying it myself from their books. That is embodied in this report, that material.

Now, it might be well to call your attention to just a few of the figures which I found in the tables. I took the figures for the employees for two different periods in the year. The pay rolls are for two weeks—that is, the workers are paid every two weeks—and these figures are based upon two different pay rolls: One in the time of maximum activity here and another at the time of the minimum activity, the idea being that wages would fluctuate somewhat during the different periods in the year, according to the amount of work that was being done. And in order that a fair, honest opinion might be formed as to the rate of wages it would be necessary to have figures not only for one period but for the other period, the maximum and minimum activities. Now, these figures which were copied, as I say, from their books, I have divided the rate of wages into groups—$4 or less per week; $4 to $5 per week; $5 to $7.50 per week; $7.50 to $9; $9 to $10 per week; and so on.

Chairman WALSH. Those are the earnings?

Prof. KENNEDY. Yes; per week. For all of the employees in Armour & Co.

Chairman WALSH. How many?

Prof. KENNEDY. This was at one period when I took these, 8,160 who were on the pay roll for that particular pay roll. At that time 46.49 per cent received $10 or less for each of the two weeks on that pay roll.

Chairman WALSH. How many?

Prof. KENNEDY. 46.49 received $10 or less per week.

Commissioner GARRETSON. That includes only wage men, not salaried men?

Prof. KENNEDY. That does not include salaried men, superintendents and so on.

Commissioner AISHTON. Does it include boys?

Prof. KENNEDY. There are very few in the packing industry. In fact, the amount of child labor is practically so little that it might be left out of consideration; only messenger boys are employed there now. It does include female help, both men and women, and the scale of wages for women is somewhat lower than for the men. I have those separately here, too. But I am giving now the groups as a whole. Now, during another period in that year, the slack period—this was during the busy season—in the slack season there were 6,619. You see, there is a drop of 1,500 workers, 1,500 less in that one establishment; 65.22 per cent received less than $10 a week. So you might see that estimated from these two periods in the year, one during the slack season and one during the busy season, it would be safe to say that all times in the year the average wage of at least half of the employees is $10 or less per week.

Commissioner GARRETSON. Is that wage or earnings?

Prof. KENNEDY. What they are actually paid—their wages.

Commissioner GARRETSON. The rate per hour did not fluctuate—the time worked?

Prof. KENNEDY. The time worked does fluctuate; yes; that is it, exactly. There are some fluctuations in the rate per hour, but it does not fluctuate very much. So that I struck an average, you might say, of an estimate as to the rate of wages prevailing throughout the year. Now, some people have asked why we did not take and follow each worker through the year and set down a table of the actual earnings for the workers every year. The only reason was lack of funds and time. That would have been an enormous task, and it would have taken a small census bureau to take those 7,000 employees and follow them right through the year and get the figures. So the best we could do was to take a cross section, you might say, one through the busy season and one through the slack season, and see what are the figures exactly as they are taken from the pay roll. These figures are from Armour & Co. Now, another point in this connection is the——

Chairman WALSH. Does your table go further now and give the other percentages of the higher-paid labor?

Prof. KENNEDY. Yes. I can give you the percentage for each group, for example.

Chairman WALSH. I wish you would.

Prof. KENNEDY. During the slack season I can give it group by group. During the slack season 10.95 per cent of workers got $4 and less on that pay roll per week; 3.56 per cent got from $4 to $5; 11.63 per cent got between $5 and $7.50. I will leave off the hundredths. Nine per cent got between $7.50 and $9; 11 per cent between $9 and $10; 21 per cent between $10 and $12; 17 per cent between $12 and $15; 10 per cent between $15 and $20; 3 per cent $20 and over. That was the total group of employees.

Now, during the slack season it ran as follows: Twelve per cent under $4; 6 per cent between $4 and $5; 20 per cent between $5 and $7.50; 15 per cent between $7.50 and $9; 9 per cent between $9 and $10; 12 per cent between $10 and $12; 15 per cent between $12 and $15; 17 per cent between $15 and $20; about 3 per cent $20 and over for that period, too. Those include the subforemen and heads of groups, bosses, and so on getting the $20 or over per week.

Commissioner GARRETSON. They were also continuous workers?

Prof. KENNEDY. Continuous workers; yes. Now, in regard to the continuity of labor, as I was saying, there is a very great fluctuation from month to month in the packing industry. For example, I was furnished with the number of workers on the pay roll for each month during the year. During the year 1910 at one time there were 7,041 workers who received pay; at another time 5,641. There is a difference of 25 per cent in the number of employees on the pay roll on a certain date; that is, they give the figures on a certain date, each employee on the same date, practically the number who were on the pay roll on that day. As I say, on one occasion it was 7,041. That was the maximum on any one date in that year. And 5,641 was the minimum on any one day. So

that there is a margin of about 25 per cent fluctuation in the number of employees. Of course in other years it might be wider or less. But that seems to be a fair estimate of the number of unemployed who were out of their jobs some time in the year.

Chairman WALSH. What is that number again?

Prof. KENNEDY. Twenty-five per cent of the workers; the difference between 5,600 and 7,000—1,400—in that particular firm.

Commissioner AISHTON. What year?

Prof. KENNEDY. That was 1910. I have here in this report a picture of the way they hired the workers, as I have told you about, the group.

Commissioner WALSH. Have you an extra copy of that report?

Prof. KENNEDY. It is the only one I have with me.

Chairman WALSH. Could you submit one?

Prof. KENNEDY. Yes. I think you have one.

(The book referred to, "A Study of Chicago's Stockyards Community," by J. C. Kennedy and others, published by the University of Chicago Press, was submitted in printed form.)

(See Kennedy Exhibit No. 1 for unpublished sections of the above report.)

Now, in addition to finding out the wages, actually drawn, I thought it was desirable to find out the tendency in the wages—that is, the amount from year to year—and I went back to old pay rolls, 1896 and 1903, and other pay rolls, to get a comparison of the rates paid per hour and the wages drawn. And while I could not state right offhand here without going into this report here and reading it by sections, the exact figures, I can give you the general trend.

Between 1896 and 1903 the packing house workers' union was organized there and had most of the workers in its ranks. I believe at one time it had about 20,000. This organization was pressing for higher wages and improved conditions. Probably chiefly as a result of that activity there was a steady increase in wages in nearly all departments between 1896 and 1903, both as to hourly wages and the annual wage and weekly wages. In 1904 still further demands were made. And one of the chief of those demands was for a minimum wage of 20 cents an hour for the unskilled workers. Later on that demand was reduced to 18½ cents an hour. But the packers fought the union, and after a long strike, a hard fight, the union was practically destroyed, and since that fight it has never amounted to anything, at least, in Chicago.

And immediately after the strike the wages of many of the workers were reduced, particularly of the unskilled worker. So that 1 or 2 cents an hour was taken off the scale paid those who had been getting 16 or 17 or 18 cents an hour; immediately after the strike their wages were reduced. Now, in gathering that material it seemed to me that was an important fact for two reasons: Not only as it affected the life of those people there but as a commentary upon the attitude of the packers toward the union. They claimed that the reason they did not want to deal with the union—their principal reason—was that the leaders were irresponsible and that they were not proper men to deal with, for one reason or another. It was a personal objection more than anything else. They said it was not a question of wages or a question of working conditions; that they would be willing to deal with any responsible organization for that; but they wanted to do the right thing there, and they could not afford to have their business controlled by agitators.

Well, now it seemed to me that if that had been the case, why did they immediately reduce the wages as soon as the union was destroyed; if the economic issue was not the real issue—if it was just simply a question of personality, then naturally wages should have stayed where they were. There should have been no reduction. So it seems to me that was in the part of the report which was not printed, this interpretation of the figures.

I believe there we find the real animus of the packers toward the union. They felt it was a menace to them from an economic standpoint. There would have been a constantly increasing demand for higher scale of wages, for improved working conditions, reduction of hours, and so on, and that therefore they felt it was best to make a fight against the organization, and so succeeded in defeating and destroying the organization. That is a fact which was apparent, that the wages were reduced as soon as the union was destroyed—not for all the workers. The high-paid workers did not have their wages reduced, and since that time some of them have had their wages increased.

Since 1908 down to the present time the movement of wages has been very small. There has been a slight increase in most of the departments, so that it would probably be accurate to say that between 1903 and 1915 there has been

a 10 per cent increase in wages right straight through in the stockyards district.

But, on the other hand, during the same period the cost of living has increased much more rapidly. So it is my contention, and was in the report, that the wages, the purchasing power, has declined steadily in the packing industry, has declined all the time from 1903 up to the present date; that is to say, the amount of money which an employee in a given department in the packing industry gets will buy less to-day than the same amount for a similar amount of labor would have bought 10 years ago or 15 years ago. This decline has taken place chiefly during the period since the union was destroyed—that is, the decline of the purchasing power of the workers in that industry. That is a very small part of the movement, and I can not give the exact figures except taking time to read a whole section from this report where it is given by groups and sections.

There are certain other points here which I wish to comment upon. And I might say, by the way, in some of the other cities where the packing industry is conducted, there was a similar reduction of wages immediately after the strike. For example, on page 33 of this report you will find in South Omaha the wages of unskilled workers were reduced from 19 to 17½ cents per hour immediately after the union was destroyed. This is taken from the report of the United States Immigration Commissioner, which had investigators looking into the matter at that time.

There is one statement here on page 23 of the report which is not strictly accurate and it needs a little qualification. That is, that one of the companies has definitely adopted the policy of paying for not less than 40 hours' work to every employee regardless of the actual amount of time put in during the week. That applies to only one or two departments. It should have been qualified to that extent—that they have adopted that policy in one or two departments. But it is not a universal policy by any means. That company is not Armour & Co. It is another one of the packers.

Chairman WALSH. In Chicago?

Prof. KENNEDY. Here in Chicago.

Chairman WALSH. What company is it?

Prof. KENNEDY. Swift & Co. One of the packers told me and told members of the board of the university settlement that they had adopted that policy in some of the departments; they were going to be paid for 40 hours' work each week whether 40 hours were put in or not. That was a recognition of the difficulties under which the employees were suffering, not knowing whether they would get 30 hours' work or 40 hours' or 50 hours' work or whatever it might be; that a certain minimum ought to be established and that minimum was fixed at 40 hours. Now, it seems to me that that was a very interesting departure and something that might go far toward solving the difficulties in such an industry as the packing industry from the workers' standpoint, because with this great fluctuation in the hours of labor, the workers don't know from one week's end to another whether they are going to have enough to live on or not.

Commissioner GARRETSON. They established a weekly minimum wage instead of a daily minimum wage?

Prof. KENNEDY. Yes.

Chairman WALSH. In what department was that; how many workers did it affect?

Prof. KENNEDY. The only one I can remember definitely where it was, the beef handlers, the ones who were carrying the sides of beef from the chilling rooms down to the car. It takes a very strong, sturdy group of workers to do that. I believe the idea was twofold, one to satisfy these men with the wages and the other to keep their organization intact; that is, this group of workers. It takes an unusually strong man.

Chairman WALSH. How many of them?

Prof. KENNEDY. Probably 150, a very small percentage of the total number of employees. That is the only department that I know of where this has been put in operation. It may be that the rule has become much more universal since that time. I don't know. It had not yet been started by Armour & Co. Swift & Co. had started it. Now, as I say, you can get the details of these wages for groups and years in this report. Now, as to the effects of those wages upon the life and home conditions of the workers, that, it seems to me, is the most striking fact of the report. We made a study of family budgets. That is, we went to the homes of the workers there in the community and asked them

to keep a record of the way they spent their money—so much for meat, so much for flour, so much for rent, and so much for every item.

We started out with about 600 families, and by the time the investigation was concluded there were only 184 who had kept budgets which were worth anything, in our opinion. Out of the 600, those 184 budgets were used in determining what a family could live on, what they did live on, and in figuring out how much wages were necessary for a certain minimum standard of living in that community. And as a result of that study I came to the conclusion that the absolute minimum on which any family could get along in this community at all was $800 a family. The average wage of the husband in those families, the average wage they have received by actual record was $500—$503—of those families who have kept records. That left $300 to be made up in some other manner to keep the minimum standard of living, and the question is, where did it come from. Our investigation showed it came from a great many sources.

In a number of families, about 50 of them, the children went to work between the ages of 14 and 16. In other words, if the head of the family does not earn enough to make the necessities of the family, then that leads to child labor. Not only did the children go to work, but the wives went to work, and in some cases went out as scrub women. And not only that, but many families supplemented their income by taking in boarders, and that led directly to the housing problem. The housing problem in the stockyards is very serious, much more serious than appears from the external conditions. You see these little cottages or frame dwellings out there and it looks as if there is not any great density of population. It is not like the tenements of the East Side of New York, but nevertheless there are housing problems there, and the housing problem in this way, say, a family would have a four-room house and pay $12 a month for the four rooms. If the income of this family was only $500 from the husband, they had to increase their income and would go to taking in boarders in those four rooms, roomers, to get such money as they can in that way. And in many cases we found very, very serious overcrowding in those small tenements, in those four-room apartments, which were held by the stockyards workers.

So, in my opinion, the housing problem grew immediately and directly out of the low-wage conditions. That is the child-labor problem and the problem of the women going to work when they ought to be home looking after their children; as far as the children need bringing up is concerned and the housing problem, they were all the direct consequences of the low-wage scale in the packing industry. It seems to me that that was the determining condition, that if the husband or the breadwinner does not earn enough to support the family, then you must look for other means being adopted to supplement that income, and our investigation, our family budget satisfied us that that was the case absolutely without any question at all, that in those families they had to supplement the income in one way or another, and it led to some very serious problems. So that it seems to me that the remedy for child labor in that community was merely a question of wages in the packing houses and those housing conditions were not so much a question of stricter housing ordinances as it was a question of earning an amount to pay for a decent home.

Not only that, but the health of those people out there was seriously affected by the low wage scale.

I went to the health department, went to the death records for what I considered the stockyards district, that is, the district between Thirty-ninth and Fifty-first Streets and Halstead and Roby, the district surrounding the packing houses. I found in the years 1908 and 1909, 429 persons between the ages of 16 and 50 died from all causes in that particular district. Out of that number, 132, or 30.8 per cent, died of tuberculosis. That is from the records of the health department. Nearly one-third of all the deaths was from tuberculosis. I not only gathered that information from a general standpoint, but I gathered it by streets and blocks, and I want to read to you some of those to show you what a terrible slaughter is going on there because of bad sanitary conditions, housing conditions, undernourishment, and so on, which, in my opinion, come directly from the economic situation in the packing industry. Right near the University of Chicago Settlement, the block of Laflin Street—I am taking just this one block, which is one of the worst in the whole district, to show you the number of deaths from tuberculosis there in this period of two years. At 4501 there was a death during this period; at 4553 there was a death; 4550, 4556, two deaths; four died in that single block. Of the men,

one man at 4503; another one at 4507, and another one at 4509; another one at 4522, 4523, 4538, 4542; within a year there were 11 adults who died from tuberculosis within a single block in the stockyards district; taken from the records of the health department.

Commissioner GARRETSON. Is that a single block along one street or along several?

Prof. KENNEDY. It is just as we would say on both sides of the street between, we will say, Randolph and Washington, just between corners, on both sides of the street.

Commissioner AISHTON. Does your statement show the nationality of those?

Prof. KENNEDY. It gives the name. Most of them are Polish and Lithuanian living out in that district, and the Slovak. I have the records here; the names and addresses of those who have died from tuberculosis in that district. Of course, it is a very high death rate.

Commissioner LENNON. Have you the percentage of the city to show how excessive that is?

Prof. KENNEDY. I have not, except the health department gets out ward maps. I do not happen to have one of them here, but they call the twenty-ninth ward—the stockyards is the twenty-ninth ward—among the worst wards of the city of Chicago. The first and eighteenth wards are worse, but of what are considered residence wards, home wards, the twenty-ninth and thirtieth are the worst in the city of Chicago.

The causes of this high death rate, as are told to me there and elsewhere, are working conditions which are not sanitary, that is, they are working in places where the temperture is chilly, where there is water trickling from the ceilings, and so on, as happens to be the case in some of the workmen in the packing houses; in departments like the fertilizer department, where there is a great deal of dust in the atmosphere, and in those particular departments conditions are favorable for the development of tuberculosis.

Then, housing conditions are not satisfactory, and in many cases the workers are undernourished. Their work is irregular and their habits are irregular, and consequently there is a great deal of resorting to the use of alcoholic liquors on the part of some of these, which is connected up with the general situation, in my opinion. That is to say, a man goes to work at 7 o'clock in the morning, looking for a job. He does not get any. Just outside of the stockyards district is a cordon of saloons, and it is the easiest thing in the world to step out to those saloons and the most natural thing in the world. It seems to me that is one of the main causes of the excessive use of alcoholic liquors, although there may be other causes. So that we have a very high death rate from tuberculosis in that district.

The same way with the infant mortality. At the time I was there, I gathered figures from the health department, showing that 1 infant out of every 3 that is born dies before the age of 2 years, which is seven times the highest in a neighboring ward over near the lake shore. The death rate is just seven times as high, and that is due to many causes, of course.

One of them is overcrowding; bad ventilation; housing conditions are bad; another is that many of the peasants coming to this country are not used to city conditions; they do not understand city methods of life, and consequently they do not take the necessary precautions from a sanitary standpoint which are necessary where people live close together, and many of them need instruction in the care of babies.

That is being taken care of by the work of the infant welfare department, where they are doing a great deal to reduce the death rate. But fundamentally it seems to me that the same basic economic conditions are just working out in another direction there, bad housing, undernourishment, and where we have gained any attention at all, we see how all of those things mean a higher mortality among the children. And it is shown very clearly in the statistics from the health department. Those things are all brought out in this investigation.

There is not any question at all about the facts. This part of the report dealing with these facts was not printed. The significance of those facts, to my mind, are important. I have that report here.

Now, the part dealing with the labor organizations, I stated in that part of the report, in my opinion, the only protection that those workers have out there or will get, is through labor organizations, because here is the situation in the packing industry: The packers are, most of them, very able men personally. They have selected a corps of very able men to manage their business.

skillful men, and able men, to deal with others. They are very highly organized themselves. There is no industry in the country where business is more highly organized than the packing industry. And not only are they organized as individual industries, but they are organized as a group. They act together in dealing with labor—Armour, Swift, Morris, and others—when the strike came on they stood together solidly. So they are always organized and always have been organized, at least in recent years. Their organization is well laid.

Now, the people who deal with them, for the most part, are very recent immigrants—Lithuanians, Poles, Slovaks, and others—who come to this country, and who do not understand the English language well and who know nothing about the conditions of industry, and they come there and compete for jobs, and, competing for jobs, what is to prevent them from running the wages down to the lowest possible level of existence, unless there is an organization to unite those workers together, so they do not catch one another's throats?

It seems to me that was the fundamental fact there in that situation, that without organization, without unity, without some means of balancing the power of the packers on the other side, the wages would be sure to go down to the minimum. Furthermore, that the individual worker would have no means of redressing grievances. What chance has one of these ignorant immigrants got when dealing with Armour, for example? First of all, it is not probable he would ever see Mr. Armour or get an opportunity to talk to him. In the second place, if he did ever see him, could he handle his own case?

Take a man that has been in this country two years, and some of them have been, and they are not able to handle their case at all.

So from the standpoint of wages and from the standpoint of redress of grievances, and from the standpoint of having something to say about their working conditions and the conditions in the industry, there seems to me that in that industry there is need for a powerful labor organization. I so stated in this report.

Not only that, but I submitted a letter from the United States Department of Labor, I believe it was. This also was not published, but while it is a rather long letter, I would like to read it, because of the bearing it has upon this matter. This letter was written in 1904, and it is called "Influence of trade-unions on immigrants." It is addressed to the President of the United States by Carroll D. Wright, who was labor commissioner.

It is as follows:

SEPTEMBER 8, 1904.

To the PRESIDENT:

Referring to your letter of August 4, transmitting a communication from Mary E. McDowell, appearing in the Chicago Daily News of Friday, July 29, and to your letter of August 10, inclosing an editorial from Chicago Tribune, entitled "The union and the immigrant," and asking that in the investigation conducted relative to the meat strike in Chicago the statements in these two inclosures be investigated, I have the honor to report that they have been taken up by our agent, Mr. Ethelbert Stewart, with the following results:

The article of Miss McDowell and the editorial relate practically to one supposed influence of the trade-unions among the foreign element employed in the packing business of Chicago. This influence is exceedingly interesting and throws a valuable side light on the whole question involved. The immigrant is, in the first instance, a wage reducer, either directly or indirectly, although the extent of his influence upon wages can not well be stated; but as a prospective wage reducer he is met by the trade-union in self-defense, just as the trade-union meets female and child labor, except in this, the union seeks to organize the immigrants, while it seeks by legislation to prohibit or limit the work of women and children—that is, the union seeks the aid of the State to prevent wage reductions by means of female and child labor, and it seeks by organizing the immigrants to prevent reduction of wages by immigration. It makes no claim of undertaking any charitable or primarily civic education among the immigrants, but the secondary effect of the union on the immigrant is distinctively civic in character. It is the first and for a time the only point at which he touches any influences outside his clan. Even the progressive forces inside the nationality lines consider the immigrant hopeless and seek only to reach his children—as, for instance, the officers of the Polish National Alliance direct their effort toward getting the Poles to send their children to American public schools and to have them mix with and become part of the whole people. The trade-union, however, must deal with the immigrant himself, and the immigrant, when he learns that the union wants to raise his wages, decrease his

hours of labor, etc., he begins to see the necessity of learning the English language, of understanding the institutions he hears talked about in the union meetings, and other matters which interest him.

At the risk of taking up too much of your time, let me state a bit of history. From 1880 to 1886 the nationalities employed in the stockyards, in the order of their numerical importance, were Irish, Americans, Germans, and a few Scotch. The great strike of 1886 disrupted the only organization of workmen in the yards—that of the Knights of Labor—and after the failure of the strike a notable exodus of American and the more active men among the Irish began. Whether this was entirely voluntary, or in part resulted from activity in the strike, is not germane to this subject. The Poles began to come into the yards in 1886, after the settlement of the strike, but not as strike breakers. This appears to have been voluntary immigration, increasing in volume until by 1890 the most of the unskilled occupations were filled by Poles, who by 1894 had practical control of the common labor.

The Bohemians began to affect noticeably the situation in 1894, going first into the inferior positions, which they shared with the Poles. There were two minor strikes between 1890 and 1894, which, in a measure, aided in bringing about this result. There was some movement upward among the Poles—that is, from lower to higher occupations—but not so marked among the Bohemians. The Bohemians, coming in later, began under the Poles—that is, took the lower positions as the Poles went up—and divided the entire unskilled labor possibilities with the Poles. The Bohemians, however, soon outstripped the Poles in the movement upward from unskilled to skilled occupations.

The strike of 1894 unsettled these movements temporarily. Negro labor was employed to break the strike and has been an element in the situation ever since. In 1880 but one negro was employed in the yards and he worked in Armour's killing gang. While few of the strike breakers of 1894 were retained, yet that event marks the real beginning of the employment of negroes. At the beginning of the present strike some 500 negroes worked in the yards, many of whom belonged to the union.

After the strike of 1894 was settled the Bohemians were introduced more rapidly, and this continued up to 1896. In 1895 the Lithuanians began coming in, followed by Slovaks in 1896, and this continued steadily until 1899, when the number began to increase rapidly. Two years ago an enormous influx of Lithuanians, Slovaks, and Russian Poles occurred, swamping the labor market in the yards. This was caused largely because of the threatening war between Russia and Japan, and the consequent rush of people to escape compulsory military duty. This has been appreciably checked within the last six or eight months.

The proportion of workmen of the various nationalities in the yards at the beginning of the present strike (July 12, 1904) was, approximately: Irish, 25 per cent; Americans and Scotch, about 2 per cent; Germans, 15 per cent; Poles, 20 per cent; Bohemians, 20 per cent. (This is all leading up to the effect of unions on the nationalities.) The remainder were Lithuanians, Slovaks, a very few Krains, and, among the most recent arrivals, Finns and Greeks, the latter, however, not being appreciable in number. No attention has been paid in this investigation to immigrants having a representation fewer in number than the Lithuanians and Slavonians,

Of these nationalities, excluding the Irish and Germans, which are not here considered as immigrants, the Bohemians are the most progressive and have the industrial advantage in this, that many of the foremen are Bohemians and give preference of their nationality when taking on new men. There is no apparent surplus of Irish, Germans, Americans, or Bohemians in the labor market of the district affected, the surplus being composed of Poles, Slovaks, and Lithuanians.

Among the immigrants mentioned, except the Irish and Germans, the clan spirit is at first all powerful. The Bohemians, while Catholics, are Bohemian Catholics, and the Poles are Polish Catholics. This even more true of the Lithuanians and the Slavonians, who are the most clannish of all. No doubt difference in language has much to do with this, but it is by no means the most serious feature. Each nationality has not only its own church, but its own school system, the Lithuanian schools making no pretense of teaching English, some of the teachers not being able even to speak it. The Slavs and Galicians have not as yet opened schools of their own. While the religion of these different nationalities may be said to be one, the associations are along exclusive nationality lines. They settle or rent properties by districts, and in branching out to occupy more territory one side of the street will first become

Lithuanians for a block or so and then the other side of the street will be occupied by the same nationality. The single men invariably board only in families of their own clan. Language has something to do with this, but really less than might be apparent on first consideration and less than might seem to be true. When organizing building and loan associations it is done along strictly clan lines. The Bohemians have four of this class of associations, the Poles three, and the Lithuanians one. The Slavs as yet have none. There are other clannish distinctions, as Lithuanian Republican clubs, Lithuanian Democratic clubs, Bohemian Socialist clubs, Bohemian Democratic clubs, everywhere and always along the strictest lines of nationality.

It is currently reported that before the organization of the union this condition occasionally threatened riots along clan lines, owing to the fact that foremen showed such preference for men of their own clan. The union was organized by trades and departments, and the officials refuse to permit nationality lines to be recognized. In the sheep butchers' union are to be found all the men connected with sheep killing, regardless of nationalities. So severe was the fight made upon this plan by the clan leaders—those who drew emoluments or secured social prestige as leaders of the various strictly clan societies—and so seemingly insurmountable was the objection raised by the Lithuanians to the union that in 1900, when the Lithuanians were first organized, it was permitted in one case to organize a Lithuanian union. The experiment, however, was a signal failure. No subsequent experiments have been permitted.

The unions in the stockyards are controlled by the Irish, ably assisted by the Germans. As a Bohemian or a Pole learns the language and develops he is elected business agent or other official. In the pork butchers' union, for instance, there are about 1,800 members, 600 of whom are Irish, 600 Germans, 300 Poles, and 300 Lithuanians, and Slavs. This union recently elected a Pole as president of the local. In their business meetings the motions made, resolutions read, and speeches delivered are usually interpreted in five languages, though in some locals in only three. All business, however, is transacted primarily in English, although any member may speak to any motion in the language he best understands, his words being rendered into English for the minutes of the meetings and into all the languages necessary for the information of members. It is here that the practical utility of learning English is first brought home forcibly to the immigrant. In all other of his associations not only does his own language suffice, but, for reasons that can be well understood, shrewd leaders minimize the importance of learning any other. (The only notable exception to this is the National Polish Alliance, and even here only the Polish language is used. There is no apparent influence exerted, however, to create the impression that the Polish is all sufficient.)

In this trade-union the Slav mixes with the Lithuanian, the German, and the Irish, and this is the only place they do mix until, by virtue of this intercourse and this mixing, clannishness is to a degree destroyed, and a social mixing along other lines comes naturally into play. Not only is the Amalgamated Meat Cutters' Union an Americanizing influence in the stockyards, but for the Poles, Lithuanians, and Slovaks it is the only Americanizing influence, so far as could be determined in this investigation. It is true this Americanizing is being done by the Irish and Germans, but it is Americanzing nevertheless, and is being done as rapidly as the material to work on will permit, and very well indeed. Again, the reaction is good in its results. The feeling among the Irish against the Dutch and the Polack is rapidly dying out. As the Irish in Chicago express it, "Association together and industrial necessity have shown us that, however it may go against the grain, we must admit that common interests and brotherhood must include the Polack and the Sheeny." It is also admitted that when the speech of the Lithuanian is translated in the meeting of the trade-union the Irish and the German see in it the workings of a fairly good mind. Some of the best suggestions come from Bohemians, and mutual respect takes the place of mutual hatred.

The investigation disclosed the influence of the union in teaching the immigrant the nature of the American form of government. The records of this office, independent of this investigation, show that during an investigation of building and loan associations a few years ago information from the Bohemians, Polish, and other clannish associations of that character could be obtained only through the services of an interpreter. It was found that as soon as a Bohemian or a Pole heard the word "Government," or "Government agent," he closed his mouth, and it was impossible to secure any information.

This has been true in other investigations, notably in collecting family budgets; but with an intelligent interpreter, using their own language, the nature of the work was explained, and no further difficulty experienced. The union is breaking down this trait of character in the foreigners of the nationalities mentioned. This it is doing not as a matter of philanthropy, but from a selfish necessity. The immigrant must be taught that he must stand straight up on his own feet; that the ward politician is dependent on him—on his vote, and so forth—and not he on the ward politician. In this way he first learns that he is a part of the Government, and while this is done by indirection, in a large sense, there is no other force that is doing it at all. The Pole, the Bohemian, the Lithuanian, the Slovak, and to a much lesser degree the Galician, have inherited the feeling that somehow government is a thing inimical to their natural development—a power forcing itself upon them from afar; an intrusive power for repression, taxation, punishment only; a thing which they must stand in awe of, obey, pay tribute to, and wish that it had not come among their people, even if they did not secretly hate it—a thing, in short, which ought not to be. Being weaker they must be silent in its presence, and if forced to speak, lie, as for them to tell the truth would mean imprisonment or death.

It is not necessary for these things to be true in order that the illiterate peasants should have believed them for generations.

Seventy-five per cent of the stockyard immigrants are of the peasant and agricultural labor class of Europe, and comparatively few of them can read or write in their own language. To make such a people feel that the Government is their friend, that they are a part of it, that development and education, not repression, are its objects and its purposes with and for them, is an enormous task, and one which a trade-union single handed and alone can not be expected to accomplish by indirection in a few years, with the flood of new ignorance that has been brought in by the high tide of immigration into the stockyards.

In every trade-union, however conservative, there are members who will occasionally get the floor and advise their hearers to vote high wages and shorter hours at the ballot box. As the groups of Slovaks gather around after the business is over to have these things explained to them, many of them get their first real idea of what the ballot and election day mean, and the relation of these to the Government itself. In their own home countries the two essential, if not only, elements of the peasant and agricultural laborer's mind is to believe and obey or follow. Advantage is taken of this fact here by clan politicians, as well as the clan leader in every department. Once the leader can make the people believe in him, he thinks for the entire group, and insists that their duty consists in following his lead implicitly. Necessarily the trade-union, in order to get them to break away from the leader that opposed the union on industrial lines, would be compelled to urge them to consider their own personal and group interests as wageworkers; to think and act for themselves along lines where they knew the real conditions better than anyone else, and certainly better than their leader in a child-insurance society or something else as remote. Here, too, are the first germs of what may be called the departmental thinking implanted in their minds—that is, that while a leader may be worthy of their confidence in one thing, it does not necessarily follow that he is so in some other class of interests.

It is doubtful if any organization other than a trade-union could accomplish these things, for only the bread-and-butter necessity would be potent enough as an influence as to bring these people out of the fixed forms and crystallizations of life into which they have been compressed. Certain it is that no other organization is attempting to do this work, at least not amalgamation, which is the only way assimilation can be secured among these various foreign elements. The drawing of these people away from their petty clique leaders and getting them to think for themselves upon one line of topics, namely, the industrial conditions and the importance of trade organizations, result in a mental uplift. The only way they can pull a Slovak away from his leader is to pull him up until he has gotten above his leader along the lines of thought they are working on. The very essence of the trade argument on the immigrant is—unconsciously again—an uplifting and an Americanizing influence. The unionist begins to talk better wages, better working conditions, better opportunities, better homes, better clothes. Now, one can not eternally argue better, "better" in the ears of any man, no matter how restricted the particular "better" harped on, without producing something of a psychological atmosphere of "better" in all his thought and life activities. If better food, better wages, or even better beer, is the only kind of "better" one might get

a Slovak or a Lithuanian to think about, then the only way to improve him is to inject the thought of "better" into the only crevice to be found in his stupidity.

Of course, many object to attempts to improve these people, because the immigrants from Lithuania, Slavonia, and Russian Poland are better off here than they ever were or could be in their own countries; that, left to themselves, they would not only be perfectly satisfied but delighted with their improved conditions; that the union must first produce discontent and dissatisfaction with what would otherwise be entirely satisfactory before it can get these immigrants even to talk about joining the union. Again, it is urged that at home they do not expect to eat as good food as other people, nor to dress as well, nor to live in as good houses; that, as peasants, they never compare themselves with other people or classes of people.

In opposition to all these things, the union begins by teaching the immigrant that his wages are not so good as another man's, doing practically the same kind of work, while it neglects to tell him he is not doing it so well, so intelligently, not so much of it perhaps; but the union gets him to compare himself not with what he was in Lithuania but with some German or Irish family, and then "stings him with the assertion that he has as much right to live that way as anybody." The union attempts to show the immigrant that he can live better only by getting more money, and that by joining the union he will get it. If left alone he would be entirely satisfied, perhaps, with what he was getting before. It is perfectly true, probably, that in most cases the union does not care for the Lithuanian in the first instance, the real purpose being to protect their own wages by getting the immigrants to demand high wages for their labor. So later on some degree of fellowship is engendered, but self-defense is the real motive.

The union point of view is that for a Lithuanian peasant to be contented, satisfied, and happy with the Lithuanian standard of living in America is a crime, a crime not only against himself but against America and everyone who wishes to make individual and social development possible in America, and that whatever the union's motives for creating discontent, that fact that it does create a discontent among the immigrants which is the first step toward their improvement and ultimate Americanization renders the union so far a public benefactor.

Many persons were interviewed in securing information along these lines—bankers, professional men, and all classes. One gentleman, in the banking business, in the stockyards district for many years, stated that the Slavonians and Galicians have been buying homes within the last 18 months to a most remarkable and unprecedented extent, and that this is in a measure true of the Lithuanians, but not to such a marked degree. He testifies that the union has given these people a sense of security in their positions. By mixing up the nationalities in the union meeting it has made them acquainted with each other and dispelled an undefined dread of pending race war or struggle between nationalities in the yards. Formerly most of the Slovak and Lithuanian immigrants were a floater class. About the only ones who return to their homes now are the Galicians, in whose country a more or less representative form of government prevails. Others testified in a similar way, although some thought the union had done little except to agitate for higher, higher, and higher wages regardless of economic conditions.

On the police side of the problem, a sergeant of the twentieth precinct, that known as "back of the yards," which is crowded with the Bohemian and Polish elements, stated that there had been the greatest improvement since the union was formed, in 1900—less disorder, better living, more intelligence, and more understanding of American institutions and laws; that they employ fewer policemen in the district, and that less crime is committed than prior to 1900.

The studies of the various nationalities involved in the present meat strike brings out some valuable points relative to the restriction of immigration. Among them there seems to be an unalterable opposition to laws excluding those who can not read and write in their own language, and their argument is that the peasant population of central and eastern Europe, from which they came, have more rugged morals, simpler lives, and fewer vices than the inhabitants of the cities and towns, who can read and write, as a rule. They consider themselves not responsible morally or politically for the fact that Russia has fewer schools than Illinois and spends less money on education in a year than does that State. They claim that their ignorance is not of the

kind that is synonymous with vice or with crime; that they are as innocent as ignorant, whereas a far worse town and city population would be admitted without question under such laws. They have some peculiar ideas about prohibiting absolutely any immigration for a specific term of years and then allowing only a certain percentage to come in each year thereafter; but the main point they make is as to the illiteracy of the peasant class, the most desirable we can secure, and the literacy of the criminal classes of the great cities which could come in under such restrictive legislation. These facts are only a part of this study brought out by your two letters, and the study has seemed to me so interesting and, in a way, so novel, that I have taken courage to give you the results quite in extenso.

I am, with highest regards, very respectfully,

CARROLL D. WRIGHT, *Commissioner.*

Chairman WALSH. What letter is that?

Prof. KENNEDY. A letter sent by Carroll D. Wright, who was Labor Commissioner, to President Roosevelt at that time, and the information was gathered by Ethelbert Stewart, who has been connected with the Government Labor Bureau for many years.

Commissioner AISHTON. That was about 1910?

Prof. KENNEDY. In 1904, at the time of the strike, and I wish to submit this to show the effect of the union upon those various nationalities in the community; and my own impression bore out this letter, that is to say, that the unifying influences in the community were very few; that there was simply a group of clans of Lithuanians, Poles, Slovaks, Bohemians, etc., and that the union was the most powerful influence in solidifying that community and bringing all of these different nationalities together.

After 1904 the union was gone, but traces of it could be found as late as 1910; you would find old union men here and there and they would talk about what had been done, but that work has not been carried on by any organization or group since the union passed away. So that, not only from the standpoint of wages, but from the standpoint of unifying the community and educating these new immigrants and assimilating them, the union movement was the most powerful one, and the most beneficent organization that could be formed in that community, and that is the reason I spent so much time dealing with it in this report; that is the part of the report that was not published. The settlement board had his survey published for the ostensible reason of gathering data as to working conditions in the community, and the conclusion I came to was that it should be a strong union or organization instead of a philanthropic union, and that is the reason this long letter was introduced.

There is another letter I have that I can give you the substance of without going into it at length; it is from the secretary-treasurer of the United Mine Workers of Illinois. During the same period that wages were being reduced in the stockyards district, or at least not going ahead, that is from 1903 to 1910, wages in the mining industry in the State of Illinois were advanced, and advanced quite considerably. Now, it seems to me this was a significant fact, that practically the same type of labor was engaged in the mining industry as in the packing industry, that is, Lithuanians, Poles, and Slovaks, etc. However, the miners had been organized and they had pushed it and got improved conditions such as shorter hours of labor, better wages, and had gained great advantages in many ways, as was admitted by the miners and by the owners of the mines. But in the packing industry, where they had no union, no advance was made in any way, either as to wages or working conditions or anything of that sort.

Another thing the union worked for, and gained a certain extent up to 1903, was uniformity in regard to hours of labor. They wanted to have it settled, for example, that instead of leaving it for a foreman to decide, on 20 minutes' notice, that the workers should come to work at, say, 8 o'clock, that they would have a regular time for starting to work, and they worked constantly for regular hours in the packing industry. Since then, little has been done and little progress made.

Now, all of this material was introduced in this report, simply because, in my opinion, it really had a bearing upon the improving of conditions of labor in that district; and while those that oppose unions might consider it partisan, it seemed to me it was the only scientific thing to put into the report; it really stated the facts of the case, and nothing should be excluded from the report.

And to my mind the only way of dealing with the housing proposition, the only way of dealing with child labor, as far as it prevails, and the only way of dealing with sanitary conditions, the tremendous death rate out there, and all the other problems, which are, to my mind, secondary, is by the organization of a labor union or organization which can speak for them and be heard in dealing with the owners of the industry.

Now, the owners have started some what you might call health work since the union has gone, and their contention is that everything the union stands for, or can get for the workers, they will be ready to provide directly without any union, and do it through various insurance schemes and benefits of one sort or another.

Now, so far as the pension plan has been developed, in some of the companies it applies, or did up to the time I was conducting this investigation—it applied only to the salaried employees—old-age pensions. In my opinion, the ones that need it the most are not the salaried men, but the other fellows. The salaried fellows can save up some money, well, I am not so sure about that, but if anyone can, they ought to be able to do it; they are the ones that get the largest income. What chance has a man who is getting $10 or $12 a week to do that? And the man who only gets $10 or $12 a week is the one who breaks down first; he is the one that is subject to the changes in temperature, and the heavy work, and when he has broken down physically that is the end of him unless he goes to the poorhouse; and if anyone should get old-age pension, it is those who labor physically, the ones that get the lowest wages and who are subjected to the worst conditions of labor. But, so far, in inaugurating these things, they have begun at the top and not done anything for the rest of them. However, there is a sort of sick and death insurance started in some of the companies. There was none in Armour & Co. up to that date, possibly there has been since; they were starting it at that time, which would provide for some sort of benefit in case of sickness or accident.

Now, in all of those insurance schemes, they are contributory, the employees must contribute a certain amount, the employers must contribute a certain amount. That is one form of welfare work, the pension and the insurance, as they call it. Generally these insurance schemes are so drawn that if an employee goes on a strike or does anything that the companies do not like, it takes away his whole future as far as getting anything from these schemes is concerned, so it seems to me like a menace rather than a help to the employees. If they have any stamina and independence and any desire to unite and demand certain things, they are tied up by these welfare schemes, and they hesistate to do anything that will endanger their benefits, so far as that is concerned. So there are two sides to that, one the side of the worker, and the other the side of the employer. So if the worker goes into these schemes he sacrifices some of his advantages on the other side; there is no doubt about that.

I don't know whether I have covered all the points I wanted to. There is one phase of this study which struck me very forcibly, and that is the effect of this modern method of production upon the mind and body of the worker. Perhaps all of you have gone through a packing house. You will find that each one does some little thing; for example, one may do nothing but cut off the hoofs of the cattle, nothing else, just keep doing that one stroke, or slitting up a piece of skin, or something of that sort, and I wonder what is the effect upon the mind and body of a worker if that is his life work, if he is not entitled to a certain consideration for that. Or another worker does nothing but sweep blood off of the floor, that is his life work, provided he does not get promoted to something else; or he may just swing an ax, cutting off a certain piece of pork, as I have seen them do, or something of that kind.

Now, then, all of this labor, we are told, is necessary, and this division of labor is necessary; but are all of the benefits going to one group and to the disadvantage of another group? Are all of the advantages from the division of labor going to the owners and all of the disadvantages, the narrow, routine work which absolutely deadens one, mentally and physically, going to the workers? Is one side to get all of the advantages and the other not get any benefit? That impressed me most deeply in the packing industry. That has not a direct bearing on wages, perhaps, but it has a direct bearing on the lives of these people.

Commissioner O'CONNELL. Does that apply generally?

Prof. KENNEDY. Yes, sir; increasingly in industry after industry; but it is most striking in the packing industry—so many departments of the labor are

disgusting—and I have thought that if I were condemned to that sort of slavery for life, what would I think of it? If I were condemned by the sentence of a judge to do nothing but sweep blood off of the floor of a packing house all the rest of my life, what would I think of it? We need some sort of compensation given to workers of that sort, and that is entirely lost sight of in that industry.

Now, there is one other comment I would like to make along that line. I have here some sections from the report which was submitted by Messrs. Reynolds and Neill at the time of investigation of stockyard conditions from a sanitary standpoint, and while I won't touch upon what they had to say about the sanitary conditions, I want to read what it said in the report in regard to the treatment of employees, because what was said then applies nearly as much to-day. They say here, and I quote from the report they submitted to the President at that time:

"The lack of consideration for the health and comfort of the laborers in the Chicago stockyards seems to be a direct consequence of the system of administration that prevails. The various departments are under direct control of superintendents, who claim to use full authority in dealing with the employees, and who seem to ignore all considerations except those of the account book. (This is as true to-day as it was then.) Under this system proper care of the products and of the health and comfort of the employees is impossible, and the consumer suffers in consequence. The insanitary conditions in which the laborers work and the feverish pace which they are forced to maintain inevitably affect health. Physicians state that tuberculosis is proportionately prevalent in the stockyards, and the victims of this disease expectorate on the spongy wooden floors of the workroom, from which fallen scraps of meat are later shoveled up to be converted into food products."

I do not know whether that is true to-day; I am only referring to the particular effect of the labor conditions. There is a description here of the various workrooms, and those conditions have been somewhat improved since this report was written; that is, the ventilation and cleanliness is better now than it was then. The sanitary conditions have been improved some, but they are still inferior to those in other industries of similar size.

There are many rooms almost without ventilation and in some rooms there was water dripping from the ceiling upon the heads of employees from coolers and one thing and another, and, of course, it was inevitable that those employees would sooner or later have rheumatism or some other disease; no one can work in rooms with comparatively low temperature and water dripping down on them without suffering from it. Those conditions have not been entirely remedied by any means, but the conditions are better than they were.

I spent three months going through every room, as far as I know, in the packing industry—from room to room—and made notes and could tell the exact rooms where I thought the conditions were wrong, and I found a great many where the conditions were far from being satisfactory as to ventilation or temperature or protection of the workers for their health; and that leads to the higher death rate of which I have spoken.

Now, there is another aspect to all of this. On the north side of the city there is a great big tuberculosis sanitarium that is maintained by the city of Chicago; it is supported by taxation, and many of the victims come from this stockyards district.

When conditions prevail in an industry which bring about disease and necessitate the recourse to charity, when you have had housing conditions, and all those things which must be dealt with by the community, why, that is only another method of subsidizing that particular industry if the industry does not pay its employees enough so that they can live in decency and health; the community suffers and that is true in this community in the packing industry. Either the industry is so poor that it can not afford to pay them, or it is not doing what it ought to do—one or the other. There is no question at all but that disease can be directly traced to working conditions and to low wages.

I think that is just about all I care to submit, unless you have some questions to ask me, Mr. Chairman.

Chairman WALSH. Are you familiar generally with the work of these settlement houses, of voluntary organizations and societies of like character?

Prof. KENNEDY. I lived at the University of Chicago Settlement for two years, and I am acquainted with most of the settlements here in Chicago and some outside; yes, sir.

Chairman WALSH. Are you familiar with the methods used by college professors and instructors in studying and ascertaining sociological and economic truths and in disseminating those truths when ascertained?

Prof. KENNEDY. Yes, sir.

Chairman WALSH. What would you say as to the function of philanthropy in our industrial and economic system?

Prof. KENNEDY. At the present time?

Chairman WALSH. Yes; at the present time, and as to what it ought to be, if it has a function?

Prof. KENNEDY. I think the function is two or three fold; that is, at present. I believe there are some of them interested in these philanthropic institutions who see a great deal of suffering and do the things which seems to them to demand the most immediate relief, without going into the philosophy of it very much or of thinking very deeply on the question. They see suffering and they give immediate relief if they can. I think there are others who think more deeply and say unless you patch things up a little and give immediate relief, it will be necessary to face certain substantial and fundamental changes in social conditions and the best way to head that off and allay discontent, and at the same time appear well in the eyes of their fellow citizens, is to make rather liberal donations to these philanthropic institutions so that they will be called philanthropists instead of exploiters. That is my opinion—that is one of the functions of these institutions to direct public attention away from the seriousness of the conditions and a movement on the part of the public to change those conditions. I think there is that twofold activity on the part of good-hearted people who want to relieve distress and others who are trying to forestall fundamental changes sought to be made to remove serious evils.

Chairman WALSH. Do you believe that great economists and sociologists in our colleges and universities can be relied upon to lead the way in the advancement of social and industrial justice?

Prof. KENNEDY. I do not think the most of them can be relied upon to do that.

Chairman WALSH. Why not?

Prof. KENNEDY. Because, in the first place, most of their information comes from books; they do not know the conditions as they actually are—most university teachers. They read things and study the theory very largely, and they know what Adam Smith wrote, who lived 100 years ago; and what all the various theorists have to say about industry, rent, profit, and so forth; but when it comes to knowing the actual, first-hand conditions, which are being brought out here by this commission, most university teachers of sociology and economy are lamentably ignorant. I know that by personal association with them. Secondly, even if they knew more and this, of course, will not apply to all—there are exceptions—but even if they knew more about actual conditions, in most cases the will to do something seems to be absent. A sincere desire to really deal with fundamental conditions and do it effectively, does not seem to be there in most cases. I would not say in all cases. Whether that is because of their personal associates or whether they think nothing is wrong, or whether they feel that their jobs would be in danger, I would not say, it may be one or all of those; but I think they are a poor crowd among which to look for leaders to bring about any fundamental changes in social conditions.

Chairman WALSH. How wide a circulation did this report get, that you submitted in evidence, carried on under the direction of the board of the University of Chicago Settlement?

Prof. KENNEDY. I do not think it got a very wide circulation; I do not know how many copies were printed or how many were distributed; it did not get a very wide circulation, I am sure of that.

Chairman WALSH. Upon what do you base your statement that it did not get a very wide circulation?

Prof. KENNEDY. Because I would be the one, naturally, who would hear from it, as my name is printed on the report as a director, and I would have received word if there had been a wide circulation of it. I would have been asked questions about it, if nothing else, and I have heard little from it since it was put into print.

Chairman WALSH. Did it get newspaper or magazine publicity?

Prof. KENNEDY. A little newspaper publicity, but not much; very little.

Chairman WALSH. When did it get that publicity with reference to its publication?

Prof. KENNEDY. I could not say as to the exact date it appeared, because the publication was not immediately upon the completion of the report, but copies were sent, I believe, to each newspaper in Chicago at the time it was published, and some of them commented on it rather briefly, but there was no wide publicity in regard to it.

Chairman WALSH. Have you the correspondence that passed between the settlement board and the companies involved?

Prof. KENNEDY. I have some of the letters.

Chairman WALSH. Can you submit them to us, please?

Prof. KENNEDY. Yes, sir; do you wish to have me get them now?

Chairman WALSH. You may wait until the other commissioners get through. Commissioner Garretson wishes to ask a question.

Commissioner GARRETSON. Doctor, do the packing companies, as corporations, or any of the officers thereof, contribute to the support of the settlement?

Prof. KENNEDY. The only support they ever have—I would not say the only support—I know they do support one trained nurse whose headquarters are at the settlement, and it may be there are other contributions; I could not say as to that.

Commissioner GARRETSON. The interpretations and conclusions which you state in that report, and which are not published, are compiled for the purpose of this commission, are they?

Prof. KENNEDY. Yes, sir.

Commissioner GARRETSON. In your investigation into that class of families, where your estimate showed that $800 was necessary as the annual amount for the maintenance of the family of a certain standard, and where the family only earned—where the head of the house only earned five or six hundred dollars, did your investigation show any percentage—any appreciable percentage—of cases where the heads of the house did not earn $800 and where child labor and such as that was resorted to to add to the income?

Prof. KENNEDY. There were cases of that sort we discovered, but not a large number.

Commissioner GARRETSON. Not to any appreciable extent?

Prof. KENNEDY. No, sir.

Commissioner GARRETSON. Is it not a fact that Carroll D. Wright, who was the Commissioner of Labor, and made the report you read here, was almost purely an academic before he became Commissioner of Labor? That he had no connection with labor circles prior to that time?

Prof. KENNEDY. I believe that is true; but this report, you understand, was really prepared by Ethelbert Stewart, and Mr. Wright was the one that submitted it to the President.

Commissioner GARRETSON. I want to be advised whether or not he had any labor connection—any labor-union connection.

Prof. KENNEDY. Not that I know of.

Commissioner GARRETSON. You spoke of your impressions in regard to pensions and other associated systems. Upon your standpoint, what is your opinion—can or can not any pension system which is made dependent upon the tenure of service on the part of the employee, and which is administered by the private agency which employs the man, be otherwise than an economic weapon?

Prof. KENNEDY. It will be a weapon in the hands of the employer, in my opinion.

Commissioner GARRETSON. Referring to the welfare work, that is a phrase that is like charity, it covers a multitude of sins; but take it as generally used, do you regard welfare work as anything but a palliative?

Prof. KENNEDY. That is all it is.

Commissioner GARRETSON. Do you look upon speeding up—you expressed your opinion in regard to an industry which loaded down a public sanitarium like a tuberculosis sanitarium as a subsidizing of that industry; do you look upon the speeding up of men, if, as is claimed, speeding up makes young men old, and condenses within a short period their period of productivity, and then they are thrown on the junk pile, is anything else than subsidizing that system?

Prof. KENNEDY. No, sir.

Commissioner GARRETSON. Any method by which a community has that result forced upon it is exploited by having such a burden thrown upon it?

Prof. KENNEDY. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner Lennon wishes to ask a question.

Commissioner LENNON. Either through your investigation, or your observation as a citizen, in connection with this industry, do you believe that the profits of industry are equitably divided as between the proprietors and the people who do the work, the laborers?

Prof. KENNEDY. I have gotten a statement of the profits of Armour & Co. out of Poor's Manual. I find that in 1913—I was unable to find the statement for this last year, but it has been issued I know; but in 1913 the total net income of Armour & Co. was $11,356,000. Out of that, $1,346,000 went to the bondholders, $1,538,000 was paid for interest on borrowed money, $1,419,000 for administrative expenses, and $1,023,000 for taxes, insurance, and so forth, leaving a surplus of $6,028,000. Out of that surplus, $2,000,000 was paid in dividends on the $20,000,000 of stock. That is a 10 per cent dividend, so that the surplus of four—over four—millions of dollars was added to the previous surplus, bringing the total surplus of Armour & Co. for that year up to $84,223,000. Now, I do not know just where that surplus came from, that is to say, the process by which it was derived, but at any rate, in the course of the business, the development of that concern, they have accumulated a fund of over $84,000,000, which is classified as surplus. Now, it seems to me that when there are thousands of workers who do not receive enough wages to support their families in decency or even in physical efficiency, for an industry to be able to accumulate out of the labor of those workers, $84,000,000 in surplus, there is something that should not be tolerated by any civilized community, if there is any way to prevent it. I can not see any justice in it or any good policy for the community. It is the accumulation of an enormous fortune out of the labor of men and women who are not paid enough for a bare existence.

Commissioner GARRETSON. From your studies, have you concluded whether or not the work of trade-unions tends to a better division of the products of industry?

Prof. KENNEDY. I am very certain that it does.

Commissioner GARRETSON. Take it here in the city of Chicago, in regard to the education of the children of the people who work out there; has it enabled them to enter the battle of life in better condition than their parents?

Prof. KENNEDY. There are public schools located there, and it is a fact that very few children of the workers there go beyond those public schools; that is, they do not go to the high schools; they go to work, as a rule, as soon as they are through the public schools, but in those schools they get the ordinary grammar-school education, and that is all. There is no training given along the line of citizenship, as far as I know.

Commissioner GARRETSON. Any vocational work?

Prof. KENNEDY. They are just beginning that. There is a start being made here in Chicago, and those schools are including that among their work—a little industrial or vocational training.

Commissioner GARRETSON. Did you make any study—I ask this question because of a statement that was made to me by the at one time manager of the Reform Schools for Boys at Pontiac—did you make any study as to whether or not there is an appreciable difference between that district as to delinquency of boys, as compared with other districts in Chicago?

Prof. KENNEDY. I have no facts on that particular point.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner O'Connell will ask you some questions.

Commissioner O'CONNELL. Professor, this commission has been authorized by Congress to make an investigation and, if possible, to find the underlying causes of industrial unrest, and to make such recommendations to Congress as it thinks wise in that direction. Briefly, what is your opinion?

Prof. KENNEDY. Well, I believe that the fundamental cause in that industry——

Commissioner O'CONNELL (interrupting). I do not mean in that industry, but industry generally.

Prof. KENNEDY. It is autocratic power in the hands of a few, which is used for their own enrichment rather than the benefit of the community or all of the people. There are a few that are autocrats in that industry, and the moment they see another power developing in that industry which threatens in any way to restrict their autocratic authority, they destroy it; for instance, the labor organization; consequently, that causes widespread dissatisfaction, because it is only human nature that no man wants to be the slave of another man, at least, if he has any brains he does not. Now, the people out there do not want

to be the slaves of Armour, or anybody else, and that is what they are to-day from an economic standpoint, and they are dissatisfied, and they are looking for a way out of that condition so that they will have greater freedom as far as working conditions, the hours of labor, and so forth, are concerned; in other words, have a greater voice in controlling their own lives; and that is democratizing industry; and we will always have unrest until we have democracy in industry.

Commissioner O'CONNELL. Healthy unrest is not undesirable?

Prof. KENNEDY. Not at all; there is a difference between industrial discontent, combined with hatred against the ones in power, and a discontent such as one would have who wants to improve his education, for instance; the latter is a desirable trait in any community, a desire to progress and dissatisfaction with one's present condition; but the other is a dissatisfaction against a certain group, a discontent against a certain crowd in control, who are using the industry for the advantage of a few, instead of the advantage of all.

Commissioner O'CONNELL. How would you remedy it?

Prof. KENNEDY. I believe the only way to remedy that is to get democracy in industry, which means that everybody that has anything to do with that industry, either as a worker, consumer, or owner, must have a voice, directly or indirectly, in the control of that industry.

Commissioner O'CONNELL. Do you mean public ownership?

Prof. KENNEDY. Public ownership is one of the methods of bringing that about; it is not the whole thing; but one necessary step that we must bring about, especially in those large industries. Public ownership of the industry might not bring it about; for instance, in Russia, the Government owns the railroad, and I believe the railroad workers are very much discontented at times. In other words, ownership by the Government would not mean much unless the Government was a democratic Government.

Commissioner O'CONNELL. I think you will concede that we are not going to have public ownership of all public utilities right away?

Prof. KENNEDY. Yes, sir.

Commissioner O'CONNELL. And right now we have industrial unrest?

Prof. KENNEDY. Yes, sir.

Commissioner O'CONNELL. And right now what are we to do?

Prof. KENNEDY. As I have said to many people in the social settlement, the best thing you can do, if you want to do anything at all, is to give these people organization, which gives them a countervailing power to those owning the industry. If the workers can say that the hours of labor shall be 9, instead of 10, that gives them something to say about the conditions; if they can say that the wages shall be 20 cents an hour instead of 18 cents an hour, it gives them something to say about the conditions. The most important thing that can be done out there is to give the workers organization.

Commissioner O'CONNELL. Do you believe that the formation, by the Government itself, of a department or commission of some kind, with the force of the National Government behind it—I do not mean force, but power, with the power of the Government behind it, to act as a board of conciliation, or mediation, and that that board would be compelled to make public both sides of a controversy, and that the men, whether they were organized or unorganized, have to go to it; do you think something of that kind might be organized?

Prof. KENNEDY. I think that would be better than nothing, but it would work much better if the workers were organized. When there are thousands involved in an industry, or engaged in an industry, each one of them individually can not be going and presenting his own personal grievance.

Commissioner O'CONNELL. That would carry with it organization of some kind?

Prof. KENNEDY. Yes, sir; there would have to be organization. If the workers are organized and they have a tribunal at which their grievances can be heard and adjusted, that is an advance toward industrial democracy.

Commissioner O'CONNELL. The result of having such a board would be the bringing of the men together?

Prof. KENNEDY. Yes, sir. And that would be, I think, an advance.

Chairman WALSH. Commissioner Aishton wishes to ask you a question.

Commissioner AISHTON. Professor, I understand that you think the thing that could be done immediately would be to let these employees organize into a union?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. I think you said that you either heard from some one, or you stated it was within your own knowledge, that the coal miners had been organized?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. And that their rate of pay had increased, whereas this other industry had stood still; now, by the organization of these men there are several things you mention as being things that ought to be eliminated; one was child labor. Have you ever made a survey of the coal-mining industry and its workers, to determine the proportion of child labor in that industry where organization exists, as to whether it is any less or greater than it is with concerns where the employees are unorganized?

Prof. KENNEDY. No, sir; but I believe you will find that wherever the union has had anything to say about it, child labor has been eliminated as far as they have had anything to say about it.

Commissioner AISHTON. But you do not know the facts in that industry?

Prof. KENNEDY. I could not give you a comparison of them. We have a child-labor law here in Illinois, which prevents child labor under 14 years of age. The packers' union was in existence when that law was first passed, and had a representative at Springfield, together with the representatives of other unions, to try to get that law on the books, and that is why we do not have child labor in the packing industry. They are now trying to get it raised to 16 years, as they got it to 14 years before. The reason why there is child labor in some mining districts is because the unions are not strong enough to get such laws passed.

Commissioner AISHTON. Have you ever made any comparison between the housing conditions in the average coal-mining communities and the workers, as compared to the stockyards?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. What are they?

Prof. KENNEDY. Well, they vary a great deal. In some mining camps they are not nearly as good as out here, and in other cases they are better. You would have to take a specific mining camp and make the comparison. The conditions are bad in the stockyards and they are bad in many mining camps, too.

Commissioner AISHTON. I think that is true. Of course, you have no figures about tuberculosis or occupational disease in regard to the two industries?

Prof. KENNEDY. No, sir.

Commissioner AISHTON. But the mere fact of organization to secure a higher rate of pay has not eliminated those difficulties in that particular industry?

Prof. KENNEDY. Not entirely; but it has put the workers in a position where they can keep their children at home or in the schools. They do not need that additional income, and as a matter of fact they do give their children a better education where they have a chance, and they have done so here in Illinois and elsewhere. The miners are far from having things perfect, but they have improved conditions.

Commissioner AISHTON. What I was trying to get at was the degree of improvement over the unorganized stockyards employees, or whether they had made any advance.

Prof. KENNEDY. You will find in many instances an advance.

Commissioner AISHTON. Some testimony was given—I don't know whether it was given by you directly—as to the different clans in the yards having building and loan associations.

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. Are they general in the stockyards districts—that is, the Lithuanians—have they such an association of their own?

Prof. KENNEDY. Most of these nationalities have building and loan associations.

Commissioner AISHTON. And they loan money to the men, or what is it?

Prof. KENNEDY. The ambition of nearly every one of those people coming into this country is to get a little cottage for themselves; you will find that quite generally, and they will start to buy a cottage even if they have to starve their families to get the money.

Commissioner AISHTON. Do they make weekly or monthly payments to these associations?

Prof. KENNEDY. Yes, sir; they enter these associations and pay so much a month, and after they have paid up so much they can withdraw enough to make the first payment on their homes and this sum they pay back in a number of years. Nearly every nationality has one or more such associations out there.

Commissioner AISHTON. And they still have them, you say?

Prof. KENNEDY. Yes.

Commissioner AISHTON. And these men are paying in on these homes all the time?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. And they are the stockholders?

Prof. KENNEDY. Some are and some are not; some have not enough money to pay in on anything, but those who have the better positions are the ones that do that.

Commissioner AISHTON. That is all, thank you.

Chairman WALSH. Could you tell the sergeant at arms where to get your papers?

Prof. KENNEDY. I think you will find them there in the black bag.

Chairman WALSH. Commissioner Garretson has a question to ask you.

Commissioner GARRETSON. Doctor, in regard to the housing conditions in the coal-mining regions, you say you have made some investigation of that?

Prof. KENNEDY. Yes, sir.

Commissioner GARRETSON. Is it not true that where the housing conditions are the worst in the mining regions, that the tenements are wholly owned by the mining companies?

Prof. KENNEDY. I think that is generally the condition, and I think you will find it is worse in the unorganized districts than in the organized districts.

Further, in the packing industry in Chicago they are able to build homes because they know they are going to be permanently located there, but in the mining districts, at the end of four years, for instance, a mine may be exhausted, and in Illinois in some districts you will find nothing left but little shacks.

Commissioner GARRETSON. And a hole in the ground?

Prof. KENNEDY. Yes, sir; so it is quite different.

Commissioner AISHTON. You referred to Armour & Co. in most of your talk, Professor?

Prof. KENNEDY. Yes, sir.

Commissioner AISHTON. Do the same conditions apply generally to the stockyards industry?

Prof. KENNEDY. They do.

Commissioner AISHTON. Does your survey include that?

Prof. KENNEDY. This survey included that.

Commissioner AISHTON. Included that?

Prof. KENNNEDY. The reason that I referred particularly to Armour & Co. I understood he was to have an opportunity to answer, and of course he could speak for his company, or at least present his side of the case, so I dealt chiefly with Armour & Co.

Commissioner AISHTON. So that the conditions at Armour & Co. are really no different generally?

Prof. KENNEDY. No; not in any appreciable extent.

As to these letters: In this report, including the part that was not published, it was in proof sent to each one of the packing firms. That was an understanding before we conducted the investigation, this statement was made to the representative of the packers—that if we are allowed to examine your books and to gather this information, we will submit proof of the manuscript to you and if you can show that on any question of fact we are wrong—not on any question of opinion—but on any question of fact that there is a misstatement that we will be very glad to correct it.

Chairman WALSH. Was that in writing?

Prof. KENNEDY. No; it was understood, and for that reason the document was sent them before it was published.

Now, here is a letter which was received from the general superintendent of one of the companies, Sulzberger & Sons Co., addressed to William Scott Bond, who was one of the committee and who had charge of the publication of this document, and one of the directors of the settlement:

"Referring to your letters of the 25th ultimo and December 14, would say that we have gone over the proof of report which your board contemplates publishing.

"It has taken us a little longer than we anticipated to complete the reading of this proposed report, but upon completion of same find that as a general proposition we have no suggestions or corrections to offer.

"The report seemed to be a very exhaustive one and shows that this matter has been gone into very thoroughly.

"Am returning your proof of same and assure you we will be glad to cooperate with you whenever the occasion may arise in the future.

"Yours, truly,

"SULZBERGER & SONS CO.
"J. MOOG."

That was one of the letters.

This letter came from the representative of Armour & Co. about the same time:

"MY DEAR MR. BOND: Permit me to apologize for delay in writing you in relation to the proof of the report of your investigation of the working conditions of the employees of the stockyards. My time has been so much occupied that it has been impossible to give it the attention it deserves, and even now I am obliged to write you very briefly.

"The main criticism is that while the article starts out as a scientific study, it develops into an argument in favor of a particular cause. As a scientific study it promises at the outset to be a very valuable contribution to the literature upon the working conditions of the laboring classes, but the moment the field of disputation is entered the value of it as a scientific study is gone. Moreover, it was on the assurance that this was to be purely a scientific study that the information given you was obtained.

"I have pointed out the error in the deductions immediately following Table No. 7. Sufficient prominence in my judgment is not given to the fact that most of the Poles, Slovaks, and Lithuanians are single men, and no mention is made of the fact that they are persistent savers. These are material considerations affecting their social conditions. No reference is made to the beneficent workmen's compensation law, which went into effect a year ago and which has been a subject of constant agitation for three or four years or that this law was opposed by the labor unions.

"The statement that, following the passage of the child-labor law of 1900, 60 convictions were secured against some of the packers is incorrect and should not be given space in this paper in view of our challenge of the statement until the accuracy of it has been demonstrated, even in the form of a quotation. Some of the statistics are computed upon the theory that the slack season and the busy season in the industry are of equal length. This is incorrect. The slack season is comparatively short, and in referring to it mention should be made that it occurs in the warm months of the year, when the employees are less dependent upon their earnings; quite different from the slack season in most industries. In discussing the average wages sufficient emphasis is not placed upon the fact that the statistics include boys and girls.

"Many of the statements under the heading 'Movement of wages' are incorrect and others are misleading. The encomiums of praise given the labor unions in this subdivision fairly characterize the type of the work from this point on."

Now, Swift & Co. submitted a letter which was a comment on the report as a whole.

Commissioner GARRETSON. Doctor, what was the attitude of the packers toward the enactment of compensation laws in Illinois?

Prof. KENNEDY. So far as I know—I was not following that very closely, but some of them favored it. I do not know whether all of them did—that is, the workmen's compensation act. I could not say for all of them, but judging by the letter from Mr. Stratton, of Armour & Co., the packers were supporting that proposition, and he was referring to the State compensation act.

Commissioner LENNON. Will those letters be left for the record?

Prof. KENNEDY. I will be very glad to leave them or duplicates of them.

Chairman WALSH. We will have them copied and the letters returned to you.

Doctor, did you form any conclusions—all of your studies, I believe, were in 1910 and 1911, and you say there seemed a great surplus of labor at all times—did you form any conclusion at that time as to what caused the unemployment, the effect of immigration on it, or perhaps a greater centralization of the industry or a greater consolidation or whatever it might be you might call it, what figure that would cut, and so on?

Prof. KENNEDY. Well, the reason for unemployment is rather complex. Everywhere it comes out of the fact that during certain seasons many more are employed than at other seasons. The surplus labor is drawn during the busy season. All the wheels are turning; everything is busy. That draws labor from other districts, and they come there. Then perhaps a month later

they begin to lay off and lay off and lay off until there are two or three thousand of them of that particular industry out of work. Then it is very difficult for them to find work elsewhere, so they keep flocking around there waiting for jobs. But in the meantime they do not have enough to exist upon. They are a burden on the community and on their families; they are sort of caught there high and dry.

Now, that creates a constant unemployment problem in the district, and it always will obtain in these industries where there is a fluctuation, unless two or three things are done. Either the employer must say that we will need a certain number of workers in this industry and they pay them so much a year, every worker they need, or have some sort of unemployment benefit that would take care of them through the slack season of the year, or else there must be some system of employment bureaus to shift unemployment from that industry to another where it will be needed at that particular time. Whether that can be done or not, I am not so certain. It seems to me that the same condition prevails somewhere else about the same time. So that apparently each industry should be called upon to take care of its workers; to pay them enough to live on, at least, pay them up to the point it could stand.

Commissioner O'CONNELL. What about the industry that is seasonal?

Prof. KENNEDY. That is a problem quite distinct from this, although even in this industry they have a seasonal department. The canning, and they have a great deal of canning in this industry, that is really a seasonal industry within the industry.

Commissioner O'CONNELL That might take care of itself in the industry. But the seasonal industry—that is, the fruit-growing season or the grape-gathering season?

Prof. KENNEDY. It so happens that in some cases the active work in one industry will be done at one period of the year and in another industry at another period of the year. If there was a system of employment agencies throughout the country which would keep the labor supply adjusted to these various demands it might relieve that somewhat.

Commissioner O'CONNELL. They might cut ice in the winter and work in the harvest fields in the summer?

Prof. KENNEDY. Exactly. That might be done to a certain extent. I do not believe, though, that that is a full solution of the problem.

Commissioner AISHTON. What progress has been made abroad in the compensation of unemployment? Has not Germany got some sort of an arrangement along that line?

Prof. KENNEDY. They have a system in some of the cities in particular, whereby particular industries which are organized pay employment benefits to their members, get a subsidy from the city. It is the so-called Ghent system, because it originated in Ghent, I believe. The union may pay $3 a week benefits, or $2, to the member who is out of work and the community will equal that, or at least add something to it.

Now, in England——

Commissioner AISHTON. The union pays for part of the benefit and the community the other?

Prof. KENNEDY. Yes. They use the machinery of the union to demonstrate that.

In Great Britain they have now an employment benefit scheme, but I could not say as to how it is working out. The shipbuilding trade and three others—I have forgotten.

Commissioner GARRETSON. The dock laborers is one of them, I think.

Prof. KENNEDY. Yes.

Chairman WALSH. Any other questions?

We are much obliged. You will be excused.

We will now stand adjourned until 10 o'clock to-morrow morning.

(At this point, 4.30 o'clock p. m., Thursday, April 15, 1915, an adjournment was taken until to-morrow, Friday, April 16, 1915, at 10 o'clock a. m.)

CHICAGO, ILL., *Friday, April 16, 1915—10 a. m.*

Present: Acting Chairman Lennon, Commissioners Aishton, O'Connell, and Garretson.

Acting Chairman LENNON. Our chairman is compelled to be in Kansas City to-day on account of the death of Col. Nelson, and that is the reason he is not here to preside. Mr. Armour.

TESTIMONY OF MR. J. OGDEN ARMOUR.

Acting Chairman LENNON. Just give your name and address, Mr. Armour, and your business, before you start in.

Mr. ARMOUR. J. Ogden Armour; president of Armour & Co., Chicago, Continental Bank Building.

Acting Chairman LENNON. I believe that you were furnished with a questionnaire and a synopsis of the statement made by Mr. Kennedy yesterday, were you not?

Mr. ARMOUR. Yes.

Acting Chairman LENNON. Have you prepared the answers?

Mr. ARMOUR. I prepared the answers to the questions that I have.

Acting Chairman LENNON. All right; just submit those, and then if there are other matters, we will take them up.

Mr. ARMOUR. Do you want to ask the questions?

Acting Chairman LENNON. No; you read what you have prepared.

Mr. ARMOUR. I have prepared answers to the following questions that have been asked me:

Question. In what corporations are you a director?

Answer. Armour & Co. and other subsidiary and affiliated corporations; Chicago, Milwaukee & St. Paul Railway Co.; Illinois Central Railroad Co.; Continental & Commercial National Bank of Chicago; National City Bank of New York; and the Kansas City Railway & Light Co.

Question. In what other corporations do you own considerable stock?

Answer. None to an appreciable extent which would constitute an influential interest, except Armour Grain Co.

Question. Please outline briefly the character of your connection with the corporations in which you are interested.

Answer. Practically my entire time is devoted to the interest of Armour & Co., and I am able to give but little time to the other corporations in which I am interested.

Acting Chairman LENNON. By "Armour & Co." you mean the "Armour Packing Co."?

Mr. ARMOUR. Yes, sir.

Question. In your opinion, to what extent are the directors and stockholders responsible for the labor conditions?

Answer. Directors and stockholders owning or representing a substantial or controlling interest in corporations should, I think, assume responsibility for labor conditions. I feel this is an obligation that they owe both to the corporation in which they are interested and to the labor employed.

Question. Would you consider the issuance by a corporation of a condensed report on labor conditions feasible or desirable?

Answer. I do not know as I understand the purport or intent of this question. From the viewpoint of Armour & Co., I have always felt myself in a measure in the position of trustee of the interests of our employees, and I am firm in the belief that every head of a successful business must, in order to be successful, have a greater interest in the welfare of his employees than could anyone else, even the public. Feeling as I do, I would see no advantages or disadvantages in such a report.

Acting Chairman LENNON. The purport of that question would be, should a corporation issue a report covering the labor conditions as exhaustive as they issue a report covering financial conditions?

Mr. ARMOUR. I think they should in a large corporation.

Question. Has Armour & Co. established any: (*a*) Length of working day?

Answer. Eight to ten hours.

Question. Yearly income for unskilled workmen?

Answer. No.

Question. Compensation for industrial accidents?

Answer. We endeavor to investigate each individual case and handle on its merits.

Question. Age and conditions under which children should be employed.

Answer. It is the practice at all of our plants to employ no minors under 16 years of age, only in exceptional cases, and then only with the approval of the municipal or State authorities, and on recommendation of charity or social-welfare workers.

Question. Treatment of workmen who have become inefficient after long service with the corporation?

Answer. Three years ago Armour & Co. established a pension fund, the details of which are outlined in the pamphlet which I will leave with you.

(The pamphlet here referred to by the witness was received in evidence, and marked "Chicago, Ill., April 16, 1915, Witness Armour."

The pamphlet referred to, entitled "Armour & Co. Pension Fund," for the benefit of its employees, to become effective November 1, 1911, was submitted in printed form.)

Answer (continuing). To substantiate this fund Armour & Co. have agreed to see that it shall at all times have a surplus of $1,000,000. At the present time this covers 7,853 men, or practically one-third of all of our employees. It is the aim of the company, as fast as conditions warrant and methods may be devised, to extend this system until it covers all employees. In addition to this we have always taken care of employees who have been disabled or incapacitated after years of service, regardless of their qualifications for the pension fund. These men are taken care of first by giving them positions of light employment and afterwards by simply caring for them from a special fund.

Question. In which of the corporations in which you are interested are the employees organized?

Answer. I am unable to answer this question in detail. I think in some of the corporations some of the craft are organized; in others, not.

Question. What is your attitude toward the organization of employees for their protection and for the advancement of their interests?

Answer. There is no objection to the organization of employees for their protection in the form of unions, as such. In a general way, I think the solution of that question depends largely upon the nature of the trade or craft to the extent that it is skilled or unskilled, and to the character and degree of intelligence of the individual composing same.

Question. Upon what information or experience is that attitude based?

Answer. Upon observation covering a period of some 30 years with Armour & Co.

Question. What is your attitude toward permitting union organizers who are not employed by your corporation to address employees, and otherwise carry on their work, without interference?

Answer. The character of our business is such that in a measure the work of our employees is that of an endless chain, and handling, as we do, a perishable product when our plants are in operation we could not permit interference.

Question. Do you consider that under existing conditions the rights and interests of the employees of Armour & Co. receive proper recognition and due protection?

Answer. Yes. Every employee has the right and is encouraged to take up his grievances with his foreman, with the knowledge that he has an appeal to the superintendents or the general superintendent. In addition, every employee is welcomed to take up matters of his relations with the company with myself personally, and to that end my door is always open.

Question. As a result of your observation and experience, do you believe that industrial discontent in America is increasing?

Answer. No; I believe that industrial discontent at the moment is on the decrease. I believe that industrial conditions are slowly but surely improving and while there may be temporary fluctuations I can not but feel that prosperity, in which both employer and employee will share, will be upon us again within the next year or two.

Question. If so, why?

Answer. None.

Question. In your opinion, along what general lines should action be taken to prevent the causes for such discontent?

Answer. None.

Question. Did you hear the testimony of Mr. John C. Kennedy?

Answer. No.

Question. Have you read Mr. Kennedy's report on wages and family budgets in the stockyards district?

Answer. Yes.

Question. Have you a statement you care to make covering this subject, more particularly in its relation to the wages and living conditions of employees at your plant?

Answer. Not at this point.

Question. Will you please give this commission the latest figures obtainable on (*a*) Numbers of workmen employed in your plants getting the various rates per hour?

Answer. I have taken the liberty of requesting the attendance of Mr. John O'Hern, general superintendent of all the packing plants of Armour & Co., who will be glad to give you all the information and statistics you desire relating to our employees. I may say for Mr. O'Hern that he is well qualified to speak on the subject, having been in the employ of Armour & Co. for 25 years, starting in as a laborer at $1.75 per day.

Question. Percentage of workmen getting each of these various rates?

Answer. Referred to Mr. O'Hern.

Question. Actual amounts paid to representative employees of each of the various classes during October, 1914, and during March, 1915?

Answer. Referred to Mr. O'Hern.

Question. Average number of hours worked per week by each of the various larger groups of employees during the same months?

Answer. Referred to Mr. O'Hern.

Question. Average number of employees for the year 1914?

Answer. Referred to Mr. O'Hern.

Question. Average rate per hour?

Answer. Mr. O'Hern also has that.

Question. Average hours per week?

Answer. Mr. O'Hern has that.

Question. Average weekly earnings?

Answer. I will refer that to Mr. O'Hern.

Question. Average weekly earnings for each of the various larger groups, if obtainable?

Answer. I will refer that to Mr. O'Hern.

Question. Please give the numbers and percentages of employees of each of the nationalities largely represented.

Answer. Referred to Mr. O'Hern. He will be able to give you that.

Question. Please state what means, if any, are employed by the company to keep in touch with the living conditions of its employees.

Answer. We endeavor to keep in touch with our employees through the foremen, who keep their home addresses, timekeeper's department, and the welfare department.

Question. Is there a sociological department or something that would correspond to this?

Answer. Yes; we employ welfare workers who go about giving particular attention to the female employees of the plant. These workers are graduate trained nurses and spend their time visiting the employees during working and resting hours; they are constantly going among them, either in the plant or visiting at their homes. They give particular attention to the conditions surrounding the workers at the plant, as well as personally, as far as their health and the welfare of their family are concerned. The welfare workers visit the home any time there is a female employee absent, to know the cause thereof, and if it is a case of sickness, either employee or members of the family, such assistance as required is given and the case is reported to the superintendent for action, when necessary.

Question. Does the company or any of its officials receive reports from any investigator or agent employed by it, or from any outside source, on conditions in the homes of its employees?

Answer. The welfare department makes a report to the general superintendent of the office at the end of each month.

Question. What policy has your company, if any, as to recruiting employees or endeavoring to control its labor market with the object of making available a force of workmen of any particular nationality or sort?

Answer. None whatever.

Question. Does the company have any agents in Europe for the purpose of diverting immigration or advertising the opportunities of employment at the various packing plants?

Answer. No.

Question. Does the company have agents in New York or any other American centers for the same purpose?

Answer. No.

Question. Please describe the company's machinery for employing men.

Answer. I will refer that to Mr. O'Hern to give you the details of it.

Question. Is it ever necessary to advertise or solicit, and what is the method of taking on new men?

Answer. I will answer no to the first part of your question, and Mr. O'Hern will answer the second part.

Question. What is the turnover in the labor force during a normal year?

Answer. Referred to Mr. O'Hern.

Question. Does the company consider its unskilled workers as part of its permanent force and feel responsible for giving them employment as continuously and permanently as possible?

Answer. Yes; we continuously endeavor to educate our men for better positions, using our unskilled labor wherever possible as a recruiting force for our organization, attempting to secure therefrom foremen, superintendents, department heads.

And as I say, Mr. O'Hern came with us as a day laborer, and he is now the general superintendent of all our plant.

Question. Please describe the system of identifying laborers by brass check or otherwise.

Answer. Referred to Mr. O'Hern.

Question. Please describe how the time put in by each man is recorded.

Answer. Referred to Mr. O'Hern.

Question. What measures are taken to protect laborers against mistakes, dishonesty, or ill will on the part of employees in the timekeeper's office?

Answer. Referred to Mr. O'Hern.

Question. Are the men encouraged to keep account of their own time?

Answer. Referred to Mr. O'Hern.

Question. What machinery is provided for adjusting differences between individual men and the timekeeper's office as to the amount of time put in?

Answer. Referred to Mr. O'Hern.

Question. What is the policy of the company as to carrying on its pay rolls during short periods of unemployment men who have worked for the company most of the time during the year?

Answer. Our superintendents have orders to give preference to men who have been with us a long time, and it is greatly to the interest of the company to take care of all employees of previous service as far as possible. It is the custom during slack work in one department to move the men of that department to another.

Question. Is the same policy followed toward office employees at the plants?

Answer. Our office employees are considered steady time men and are carried in periods of slack work.

Question. To what extent do subordinate officials of the company know laborers by name and deal with them on a personal basis?

Answer. Armour & Co. are a private corporation in which, I believe, the personal equation is very highly developed and permeates the entire organization. I would venture to say that subordinate officials probably know laborers by name to as great an extent, if not greater, than would be conceived possible in any organization of the size of ours. Not only foremen and superintendents know the vast majority by name, but many employees, who have been with the house for a long time, I know personally by name. It is a well-known fact around Armour & Co. that when any employee who is entitled to consideration, because of service, has any grievance or is in trouble he is welcome to come to see me personally, and I make it a particular point in my work to always see them and investigate and consider each case individually, and I think in a large measure the loyalty of the employees of Armour & Co., which is a well-known fact, is due to the development of the personal equation between the head of the house and its humblest employee. I do not mean that this is carried to extremes, because that would not be possible in a company employing as many men as we do.

Question. What policing force has the company?

Answer. We have a small police force at each plant, employed for the purpose of watching and guarding the property of the company against all hazards, including fire, day and night, and other things.

Question. Are laborers ever searched by watchmen or other employees of the company as they are leaving the plant to find out if they have carried away meat in their dinner buckets?

Answer. Never unless an employee is under suspicion. At times I can imagine that it might be necessary to search several men working in a gang in order to detect the guilty one.

Question. Is there a regular system for doing this?

Answer. No.

Question. What action is taken in cases where men are discovered carrying off pieces of meat for the use of their families?

Answer. It depends largely upon circumstances. If a man's family is in distress we don't do anything about it, but if he takes the meat to sell it we discharge him.

Question. What facilities are provided for the men who work in the killing gangs, the fertilizer works, and other dirty places to wash and change their clothing before leaving the plant?

Answer. Facilities are provided at all plants where they wash and change their clothes.

Question. How many messenger boys are employed by the company at the plant?

Answer. Very few, comparatively. Most of it is done by pneumatic tube service.

Question. What are their duties?

Answer. That of the usual messenger boy; carrying papers, letters, telegrams, etc., to the departments and offices of the plants.

Question. What rules are followed in employing the boys?

Answer. We are very particular about the selection of office boys; in fact, that is the most particular work we do around Armour & Co., because as a rule our boys become department heads. Preference is given to the sons of widows.

Question. What measures, if any, are taken to safeguard the moral welfare of these boys?

Answer. Department heads and superintendents, appreciating the desire of the company to develop boys into future officials, are instructed to advise with the boys and help to develop them along the necessary lines to make the best possible use and development of this available material, and, necessarily, this advice extends to and along moral lines.

Question. What are they paid?

Answer. From $5 to $9 a week, dependent upon ability and length of service.

Question. Do you believe that a laborer can support his family according to the American standard on an average weekly wage of $12.20?

Answer. This is a very difficult question to answer and I think naturally depends entirely upon the individual. What is ample for one might be inadequate for another.

Question. Is it a fact, as stated by Mr. Kennedy, that the price of the common kinds of meat and of lard, flour, eggs, butter, sugar, and milk has increased on an average of more than 10 per cent between 1910 and 1913?

Answer. I have not available statistics at hand to answer this question. I believe the Bureau of Statistics at Washington is continuously formulating and issuing statistics, which would answer this question much better and more accurately than I.

Question. Have you ever visited the homes of any of the laborers employed in your plant?

Answer. Personally, no.

Question. Do you consider that the environment in which the children of your employees who live in the stockyards district are brought up is likely to produce healthy and moral men and women?

Answer. Yes; in the same manner and to the same extent that is possible in the residence districts surrounding and adjacent to any industrial community.

Question. Is it a fact or not that, in effect, the packing companies obtain their labor for a wage less than is required by the American standard of living by taking advantage of the necessities of newly arrived immigrants?

Answer. No; I do not think so, and I am certain that in Armour & Co. this fact has never been considered.

Question. Do you regard your plants as a sort of training school for newly arrived immigrants, and expect your employees to pass on to other employment within a few months or years?

Answer. No; it is our endeavor to keep the men around us as long as we are able to. Many men who started in our plant as laboring men have become foremen, general superintendents, and managers.

Question. What would be the effect on the community of conditions that exist in the yards if the movement of immigrants should cease, as it has done largely

since the beginning of the war, and if the men and families employed by you should become a permanent class?

Answer. That is a very difficult question to answer, and my answer could be but a guess at the best; but I can not see how it would have any appreciable effect.

Question. Do you believe that the packing industry could be conducted profitably if the company were to carry an average working force on its pay rolls throughout the year? In other words, were it to insure its employees against unemployment.

Answer. No. I believe 75 to 80 per cent of our employees are regularly and continuously on our pay roll. As to the other 25 per cent, their hours and time are entirely dependent upon the volume of business, which, in turn, is dependent upon the receipts of live stock from day to day. At the Chicago yards, for instance, I think I am safe in saying that 75 per cent of the total receipts of each week are received in the first three days of that week. This stock as soon as purchased must be immediately cared for and slaughtered as soon as possible. This necessarily entails a larger force of men the early part of the week than the latter part. This is a subject to which the packers have given a great deal of thought and study, in an endeavor to work out some plan which would make it possible to distribute the receipts more evenly throughout the week. I think you will immediately appreciate that could this be done it would make possible a greater degree of permanency in the hours of our employers, greater efficiency, and, in turn, reduced manufacturing costs, but a satisfactory solution of this question has never been attained. In addition, receipts vary greatly from week to week and month to month, all dependent upon reasons beyond our control, such as crop conditions, weather conditions, prices, railroad conditions, etc.

Question. Please relate briefly the history of the strike in 1903–4.

Answer. This strike was brought about on account of the wages of unskilled labor. We wanted and offered arbitration, but it was declined.

Question. Prior to this strike what proportion of the men belonged to unions and were dealt with collectively through contracts or agreements?

Answer. I am unable to answer that question. Possibly Mr. O'Hern can answer it.

Question. Were wages reduced after the strike?

Answer. I do not think so. In fact, since that time I believe on an average wages have increased.

Question. What increases have been made since the strike?

Answer. This is a question of detail, which can better be answered by Mr. O'Hern.

Question. Do you believe any employer can be trusted to protect the interests of large numbers of employees who are not organized and who have no means of collectively urging grievances?

Answer. Yes; I believe that any business man to be successful must, and does, recognize that by far the largest contributors to his success are his employees, and that he must obtain the best the market affords, and to obtain the best results from such employees they must have the interest of their employer at heart and must be contented and satisfied. As I have previously said, I do not believe that anyone has the welfare of the employees of Armour & Co. at heart as much as I have. Of course, in the broad sense the answer to your question, I recognize, will always be debatable, because there are so many economic questions going to make up the basis of a reply; but as pertains to our own business I am compelled to answer the question in the affirmative.

Acting Chairman LENNON. Can you state the average amount that is paid for injuries that result in death in your plant?

Mr. ARMOUR. I don't know that I could personally answer that; perhaps Mr. O'Hern can answer that.

Acting Chairman LENNON. And you would not be able to answer as to other phases of injury as to whether their doctor bills or hospital bills and such as that were paid?

Mr. ARMOUR. They usually are; yes.

Acting Chairman LENNON. Those expenses you know are paid?

Mr. ARMOUR. Yes; I do know that.

Acting Chairman LENNON. You do not know what payment they would get for the loss of an eye or of an arm in the case of accident?

Mr. ARMOUR. No; it would depend upon conditions and circumstances.

Acting Chairman LENNON. Mr. Kennedy, in his paper, submitted an argument showing, from his viewpoint, that the one great necessity in your plant, for the perfection and betterment of the condition of the workers, was that they have a labor organization, and that such organization should be recognized, and through that organization they should enjoy the right of collective bargaining as to wages and as to their hours of labor and other conditions of their employment. What comment have you to make in regard to that?

Mr. ARMOUR. That has not been the experience at the stockyards.

Acting Chairman LENNON. You maintain that from your viewpoint that is not warranted by the experience at the stockyards?

Mr. ARMOUR. By their past experience; yes; by the last experience.

Acting Chairman LENNON. You spoke regarding the impossibility of representatives of unions appearing among your employees and holding meetings and things of that character. Suppose those meeetings were held on Sundays and of evenings, when the employees were not at work in the plant. Would you consider it within your province to enter objection or prevent such meetings being held?

Mr. ARMOUR. Most decidedly not; no; most decidedly not.

Acting Chairman LENNON. What is the nature of the grievances that are likely to come to you after they may have been first dealt with by subordinate officials? What is the nature of the grievances that usually reach you?

Mr. ARMOUR. Well, I do not know as I can tell definitely what their nature would be.

Acting Chairman LENNON. Discharges, or anything of that kind?

Mr. ARMOUR. Any man has a right to come to me. My door is always open, and it is a well-known fact among all our employees that they can come to see me whenever they have a grievance.

Acting Chairman LENNON. Are there any considerable number that do come?

Mr. ARMOUR. It varies—yes; it depends upon conditions.

Acting Chairman LENNON. What does your welfare department consist of; what do they do?

Mr. ARMOUR. We have two nurses, and they are trained nurses, and they go around to the homes of the girls, and they talk to the girls during their play and while working, and if they are in trouble they take care of them. They are supposed to give them money and help them out generally at any time when they may be in trouble.

Acting Chairman LENNON. Do they take cognizance of the sanitation at the plant and such things as that?

Mr. ARMOUR. Most decidedly.

Acting Chairman LENNON. Are there any complaints, so far as you know, as to the conditions in your plant in those respects?

Mr. ARMOUR. No, sir; I do not think there is.

Acting Chairman LENNON. In your reply to the question that was asked regarding the employment of peace officers—I don't know just the words used now, perhaps police officers or police force or something—do you employ detectives that mix among the employees to ascertain as to their attitude of mind toward the company, or whether they belong to labor organizations?

Mr. ARMOUR. No, sir; we do not.

Acting Chairman LENNON. You have heard of this system, of course? Called the spy system.

Mr. ARMOUR. I have.

Acting Chairman LENNON. That does not prevail in your plant?

Mr. ARMOUR. No, sir.

Acting Chairman LENNON. These messenger boys that you employ, what standard of education, if any, do you require before a boy can start in that class of work?

Mr. ARMOUR. Just a common-school education.

Acting Chairman LENNON. That is through the seventh or eighth grade, or something like that?

Mr. ARMOUR. Yes; just a common-school education; but, as I said, that is the most particular work we have around Armours, because most of our department heads used to be, in one way or another, office boys around Armours; the office boy of to-day is the department head of to-morrow. We seldom go outside to hire any of our men; we take them from the ranks as far as possible.

Acting Chairman LENNON. The offer of arbitration made by your company, as you stated, in the strike of 1903, was that made through some third party,

or was it made by you, or the representatives of your company, direct to the officials of the union?

Mr. ARMOUR. It was made direct to the officials of the union, Tom Donnell, I think the man's name was. I recollect he was president of the union at that time.

Acting Chairman LENNON. Commissioner Garretson wishes to ask you some questions.

Commissioner GARRETSON. Mr. Armour, is this 8 or 10-hour day, of which you speak, at Armour & Co.'s, a maximum or minimum day?

Mr. ARMOUR. It is neither.

Commissioner GARRETSON. What is it?

Mr. ARMOUR. We endeavor to give them a 10-hour day whenever it is possible, but it is not always possible.

Commissioner GARRETSON. But you do not work them beyond that, is that it?

Mr. ARMOUR. I would not say that; we work them overtime sometimes.

Commissioner GARRETSON. You do not work them overtime, beyond that period, without paying for overtime?

Mr. ARMOUR. Oh, no.

Commissioner GARRETSON. Then you do not pay them for 8 or 10 hours if they work less than that?

Mr. ARMOUR. No.

Commissioner GARRETSON. Then it is a maximum day?

Mr. ARMOUR. Yes; you might call it that.

Commissioner GARRETSON. But there is no minimum day?

Mr. ARMOUR. No.

Commissioner GARRETSON. You have not what was testified to yesterday in regard to as a 40-hour minimum week?

Mr. ARMOUR. We practically have that; yes.

Commissioner GARRETSON. But does it work out?

Mr. ARMOUR. Yes.

Commissioner GARRETSON. Then there is no man that works for you in that class of labor paid less than 40 hours a week?

Mr. ARMOUR. I could answer that question broadly; I do not think I could state specifically so, but it is our endeavor and, I think, we make it work out that way.

Commissioner GARRETSON. Does or can a pension plan, a private pension plan like yours, reach, under its terms, the casual or periodic worker?

Mr. ARMOUR. Well, it does not.

Commissioner GARRETSON. It does not?

Mr. ARMOUR. No; it does not reach the laboring man, if that is what you mean.

Commissioner GARRETSON. That is what I mean; the class of work that was testified to here yesterday that, in the morning, whoever does your hiring—I don't know who that is, whether a gang boss or you have an officer delegated for that purpose—but he walks out and taps so many men on the shoulder to make the peak load that day, and they may use those men one or two days or a week, but only a comparatively short period, and when the run of cattle is less, for instance, in the slaughtering department they are let go until they are needed again?

Mr. ARMOUR. Naturally. I suppose any large company would have some men that would not be permanently in its employ.

Commissioner GARRETSON. They are periodical?

Mr. ARMOUR. That would happen in any company; yes.

Commissioner GARRETSON. And no pension plan so far devised has been able to reach that kind of men?

Mr. ARMOUR. We have not been able to find any.

Commissioner GARRETSON. In the very essence of tenure of service upon which pensions are based, they can not reach those men?

Mr. ARMOUR. I would not think it could.

Commissioner GARRETSON. Then a system of pension, under governmental control and to which the employer contributes for the period the men work for him, would be the only means of reaching that class of labor, would it not? And I am using "governmental" in the sense of either State or National.

Mr. ARMOUR. I guess you are pretty near right.

Commissioner GARRETSON. I would like to know, if you can make it plain, how, on an average of 7,000 employees—that is about an average number, is it, between your high line and your low line, in busy times?

Mr. ARMOUR. You mean here in Chicago, or all over?

Commissioner GARRETSON. In Chicago.

Mr. ARMOUR. I would think so.

Commissioner GARRETSON. I am just taking the plant here in Chicago, where there is a certain amount of contact with the head official of the company; that is what I want to illustrate

Mr. ARMOUR. Yes.

Commissioner GARRETSON. During the course of a year, how many of those individuals who complain of having received unjust treatment from his immediate superior come to you?

Mr. ARMOUR. Well, I would not think very many; I would think comparatively very few, because I think they only come to me when they can not get justice or can not settle their case with the superintendent.

Commissioner GARRETSON. And in what proportion of such cases as have come to you have you reversed the decision of the man below you?

Mr. ARMOUR. I do not know that I can answer that question, because it would depend entirely on what the case was.

Commissioner GARRETSON. I did not know but that you had a general idea of what your attitude has been toward those cases.

Mr. ARMOUR. I am always very glad to take the side of the men, if possible; that is the only way I can answer that question.

Commissioner GARRETSON. Are there cases of that character settled by you personally, or are they referred to Mr. O'Hern?

Mr. ARMOUR. They are settled by me personally when they come to me.

Commissioner GARRETSON. You spoke of the fact that your business in the plant was in the nature of an endless chain and that you could not afford, on that account, to have organizers interfering during business hours—labor organizers?

Mr. ARMOUR. Yes.

Commissioner GARRETSON. Is the economic side of it, as well as the industrial side of it, something of an endless chain that would be interfered with?

Mr. ARMOUR. Most decidedly; I would not have them there any way; it is no place for them.

Commissioner GARRETSON. The real reason—or is the real reason of the underlying opposition to the unions economic?

Mr. ARMOUR. No; I can only speak from the experience of Armour & Co. The unions have not worked well at the stockyards, because as soon as they have gotten a little power they have not known how to proceed. The success of a union is the same as the success of anything else—in knowing how to run it.

Commissioner GARRETSON. Is it not a fact that it is the unfailing experience of employers dealing with labor unions, virtually from the inception of the American labor movement—I am only talking about this side—that whenever the employer is struggling against the domination of the unions, is it not true that his unfailing claim is that the men become intoxicated with their own power and therefore they are undesirable? I am drawing on my own experience in the labor movement in forming the question, Mr. Armour.

Mr. ARMOUR. I can only answer that question, Mr. Garretson, by saying I know unions that are very well run, and they are a good thing for the employer as well as the employee. I know some other unions that are very badly run, just like running a business.

Commissioner GARRETSON. Do you know what the experience of that good union was in its early days when it was struggling for recognition?

Mr. ARMOUR. No, sir; I do not.

Commissioner GARRETSON. I have heard my own cited as a very good organization and still I have seen it when it was utterly irresponsible and undesirable.

Mr. ARMOUR. That was because they had the wrong man at the head of it.

Commissioner GARRETSON. They had the same man at the head then that is at the head now.

Mr. ARMOUR. Then he has had more experience.

Commissioner GARRETSON. We all profit by experience.

Mr. ARMOUR. Absolutely.

Commissioner GARRETSON. He is growing in experience.

Mr. ARMOUR. He is growing into his job, is all.

Commissioner GARRETSON. I know that most of the questions in regard to the number of hours worked, average pay per month or week or by the day, all of those questions are referred to Mr. O'Hern for reply; personally, you are personally familiar with the financial details of Armour & Co.?

Mr. ARMOUR. I hope so; yes.

Commissioner GARRETSON. Is there anything significant as to the relative importance in the minds of the manager of the two problems—that is, the industrial and the financial—in the fact that you have not the same knowledge of the industrial situation that you have of the financial; does that show the relative importance of the two?

Mr. ARMOUR. No; I don't think so at all, but you can hardly expect a man to know a lot of details that would naturally come under the head of the superintendents. Did I answer your question? I want to.

Commissioner GARRETSON. It would just be a question, it seems to me, of the highest power in the corporation or organization giving his attention, in the matter of detail, to that which he considers of the greatest importance?

Mr. ARMOUR. No; I hardly think so. I think I know in a general way as much about the labor end of our business as I do of the financial end of our business.

Commissioner GARRETSON. But you do not know the detail of the one as you do of the other?

Mr. ARMOUR. I might not know the detail of what our rate of interest is to-day, and that is a detail of the financial end of the business just as much as I might not know what an individual man is getting; I would hardly be expected to know it.

Commissioner GARRETSON. No; I suppose a man's brain has its limitations?

Mr. ARMOUR. Mine has.

Commissioner GARRETSON. In regard to the amount that is necessary to maintain a standard of living, I suppose it is all relative, what constitutes the standard of living? The question was asked you in regard to whether you believed or not that it was possible, under the American standard of living, for a man to live on $12 a week; do you believe it is possible to raise a family and educate them on such a sum?

Mr. ARMOUR. A lot of people have done it.

Commissioner GARRETSON. What is that?

Mr. ARMOUR. A lot of people have done it; a great many people have done it.

Commissioner GARRETSON. And more have failed, have they not?

Mr. ARMOUR. I don't know; I don't know as I could answer that question.

Commissioner GARRETSON. You take the average business man of the present day, that has highly developed business ability, and are you acquainted with any man of that type who would care to undertake the problem of maintaining a proper standard of living on $12 a week?

Mr. ARMOUR. No; but I do not know any men that run business that would not be glad to pay their men $15 or more a week; it puts the money in circulation.

Commissioner GARRETSON. As to whether it was put in circulation, would it depend on the channel for putting it in circulation?

Mr. ARMOUR. No; it all goes into circulation.

Commissioner GARRETSON. The surplus does, too?

Mr. ARMOUR. Yes, sir.

Commissioner GARRETSON. It applies to both?

Mr. ARMOUR. Yes, sir; but the more money in circulation the better for the community.

Commissioner GARRETSON. I suppose the company is not hoarding its funds, by whatever name it calls them, by dividend or surplus or wage?

Mr. ARMOUR. No.

Commissioner GARRETSON. That is all.

Acting Chairman LENNON. Commissioner O'Connell wishes to ask some questions.

Commissioner O'CONNELL. I want to ask, Mr. Armour, about the absentee directorship. I know you stated you gave a large portion of your time to Armour & Co.?

Mr. ARMOUR. Yes, sir.

Commissioner O'CONNELL. But you replied that not much of your time was given as a director of the other corporations, as, for instance, the Illinois Central Railroad. Do you feel there is a responsibility on a director of a corporation that he should give personal attention to the affairs of that corporation, and not only in the interests of the stockholders, but in the interest of those employees that he should familiarize himself with the conditions under which the road, for instance, is being operated and the physical property being taken care of?

Mr. ARMOUR. Yes.

Commissioner O'CONNELL. In some of these hearings that this commission has held—as, recently, in the city of New York—we had a large number of financial men, who were directors in a great number of corporations, before us, and it was brought out that, I think, practically all that appeared before us had not attended meetings of the directors of the corporations in which they were directors, in some cases for years; had not visited the properties of the companies for years; had not even attended meetings of the directors for years, or just occasionally; they were not familiar with the conditions under which the workmen were being employed, or whether they were being treated fairly or not, and were not even furnished with knowledge as to that. If men assume the directorship of a corporation, if it is not possible for them to give personal attention to it, should there not be a system provided whereby they would keep informed indirectly, as it were, by correspondence or circulars or communications?

Mr. ARMOUR. Yes, sir.

Commissioner O'CONNELL. Do you receive, for instance, from the Illinois Central Railroad a report weekly or monthly or semiannually or annually, showing the physical condition of that property?

Mr. ARMOUR. No; I receive the earnings they may have.

Commissioner O'CONNELL. Just the earnings?

Mr. ARMOUR. The earnings.

Commissioner O'CONNELL. Do you know anything about the recent strike on that system, that cost considerable money?

Mr. ARMOUR. I know of it in a general way. I see Mr. Markham once in a while and talked to him about business. He is the president of the road.

Commissioner O'CONNELL. I speak of that as just an incident that came before this hearing. Do you feel that the busineses interests, the public interests, the interests of the citizens are being neglected by a director who does not take an active part in the affairs of the corporation in which he is elected to represent the stockholders?

Mr. ARMOUR. Most decidedly so.

Commissioner O'CONNELL. Do you not feel that the public is being misled—for instance, your name appearing as a director of a corporation, a man of high standing, and people with small sums to invest would say, "Well, Mr. Armour is a director in that corporation, and he will certainly see that things are all right," and people are induced to invest by the mere fact of the names of prominent people used as directors, and used as a means in some cases to induce people to invest their savings, and at the same time probably take the risk of losing what they may invest?

Mr. ARMOUR. I do not think a man should let his name be used as a director unless he is willing to assume the responsibility that goes with it.

Commissioner O'CONNELL. What I am getting at—if a man does not give his time, or at least some of his time, to a business in which his name is being used as a director; if he can not give the time to that and you say, and I take it, that it is not right for him to do so unless he can give his time to it—that is, allow his name to be used as a director?

Mr. ARMOUR. No, sir; I do not think that is right; he does not have to give his whole time to it, but he should give enough so as to know what is going on.

Commissioner O'CONNELL. He should be reasonably familiar with the affairs of the corporation?

Mr. ARMOUR. Yes, sir; I think so.

Commissioner O'CONNELL. So that if things did go wrong in the corporation he would not be in a position to plead ignorance and say he did not know that was the case; for instance, a director in a bank. People are induced to deposit their funds in a bank in many cases because of the personnel of the directorship.

Mr. ARMOUR. Most decidedly; I think that is largely true with banks.

Commissioner O'CONNELL. And if the directors do not attend meetings, but leave it to the president and a few of the officials of the bank to transact its business, and finally financial trouble comes and the bank closes its doors, and the depositors have been deceived by the fact that the directorate was made up of men in which they had the greatest confidence, yet these men did not give any attention, personally or otherwise, to the business, and the funds which these people had deposited, does not such a condition cause an unrest and fear in the minds of the people of our country that some of our representative men

who occupy positions of great trust and great responsibility, and in whom the people have placed confidence, are not doing right by the public?

Mr. ARMOUR. I think I have answered that question before.

Commissioner O'CONNELL. That is all.

Acting Chairman LENNON. Commissioner Aishton wishes to ask some questions. Mr. Armour, we have encountered much of discontent and unrest because of the fact, which seems to be a fact, that in many cases when young men are taken into an industry—say, in your industry—from 18 to 21 or 22 years of age they are simply given an opportunity to acquire a knowledge of a specialty; that they are never given any opportunity to learn anything of the other departments of the company—the work in other departments. How is it in regard to the entry of the young men into your plants? Do they have a chance to learn to do properly anything except one specialty, so that if there is not work at that they can work somewhere else?

Mr. ARMOUR. You mean the laboring men, now?

Acting Chairman LENNON. Yes.

Mr. ARMOUR. Well, of course, you can change the laboring men around from one place to another; they do not necessarily have to know how to do the work.

Acting Chairman LENNON. They have to have some degree of skill, don't they?

Mr. ARMOUR. It depends entirely on the work; but we have departments where we can change men from one department to another, and if there is slack work in one department we can put men in another, because the work is very much the same.

Acting Chairman LENNON. Take work that requires skill or semiskill; are the young men put into the industry given opportunity to learn the work of different departments where skill or semiskill is required, so that if, for instance, your plant is burned down, annihilated, they could go to Kansas City, Fort Worth, or elsewhere and take up work in some department where skill or semiskill was required and make good at it?

Mr. ARMOUR. It would depend a good deal on the man; but I would think, broadly, he could; it naturally depends, like anything else, on the man.

Acting Chairman LENNON. They would have an opportunity to do so?

Mr. ARMOUR. They would know enough that they could go from one department to another.

Acting Chairman LENNON. Commissioner Garretson wishes to ask another question.

Commissioner GARRETSON. What is the capital stock of Armour & Co.?

Mr. ARMOUR. Twenty million dollars.

Commissioner GARRETSON. What is the dividend rate?

Mr. ARMOUR. Ten per cent.

Commissioner GARRETSON. What were the earnings—net earnings—of the company last year?

Mr. ARMOUR. Well, now, I will answer that question by explaining what Armour & Co. is, if you will allow me to.

Commissioner GARRETSON. Good.

Mr. ARMOUR. Our capital is $20,000,000, but our surplus, which was made out of the earnings from the company from many years, is somewhere in the neighborhood of $90,000,000, so the total money we have invested is something over $100,000,000, and we made seven and one-half millions dollars last year.

Commissioner GARRETSON. How much did you pass to surplus last year?

Mr. ARMOUR. Well, we paid dividend of $2,000,000, and we passed to surplus five and one-half millions.

Commissioner GARRETSON. Then, in reality, you earn something on your capital stock—I am not talking about the surplus—materially in excess of 30 per cent.

Mr. ARMOUR. Well, if you want to put it that way; but that is not the correct way to put it; it is not the fair way to put it.

Commissioner GARRETSON. You are regarding book value as capital, then?

Mr. ARMOUR. Yes; it does not make any difference whether it is capital or surplus; it is the same thing; it is money invested in the business.

Commissioner GARRETSON. You hold that the entire surplus is invested in the business?

Mr. ARMOUR. It is; yes, sir.

Commissioner GARRETSON. That is all.

Acting Chairman LENNON. That is all, Mr. Armour; you will be excused.

TESTIMONY OF MR. JOHN E. O'HERN.

Acting Chairman LENNON. Please state your name, business, and your residence.

Mr. O'HERN. John E. O'Hern; 5706 South Park Avenue; general superintendent of all the Armour plants, the packing plants.

Chairman LENNON. You heard Mr. Armour's reply referring certain questions to you. I think I made a minute of all of them; but if you have them, take them up in regular order, and are prepared to refer to them as you go along, you may take them up in your own way?

Mr. O'HERN. All right, sir.

In answer to the question showing the percentage at the various rates, at the various plants, I made up a table here showing the rate of 17½ cents and under.

Acting Chairman LENNON. That is under question 16?

Mr. O'HERN. Yes, sir; 17½ cents and nuder; 17½ cents and less than 20 cents; 20 and less than 25; 25 and less than 30; 30 and less than 40; 40 cents an hour and up.

The table that I have includes the plants at Chicago, Kansas City, South Omaha, St. Louis, Fort Worth, Sioux City, St. Joe, and the total recapitulation.

Under 17½ cents—it is rather an elaborate statement showing the number of men and the percentage for each plant. Do you want me to take just one plant or more? I have it here either way.

Acting Chairman LENNON. Give it for the Armour plant here in Chicago.

Mr. O'HERN. The Armour plant in Chicago, for the total number—these figures showing males, minors, and adults: Male employees under 17½ are 94, or 1.32 per cent; 17½ and less than 20, 56.37 per cent; 20 and less than 25, is 23.63 per cent; 25 and less than 30 is 10.33 per cent; 30 and less than 40 is 7.17 per cent; 40 and up is 1.18 percent. This is based on a total number of employees that we had to estimate as average for the year, because it was impossible to arrive at the actual number on account of seasonal conditions under which the work is conducted, totalling 7,150 males.

Acting Chairman LENNON. Give the women employees, if you have it there.

Mr. O'HERN. The women employees for the same, under 10 cents and less, are 17. That is 2 per cent of the total. From 10 to 12½ is 83 per cent; 12½ and up was 15 per cent. As an explanation of that, now, I want to mention that it does not include what might be termed steady-time men, foremen, clerks, or office employees, or any portion of the executive end of this organization. It includes old-time and disabled employees, unfit for laboring work at the present time, who are now employed as doormen, janitors, and other light occupations; boys—that is, boys under 21 years of age; females include both day workers and pieceworkers. The only ones we have under 10 cents are minors between the ages of 14 and 16 years, and whom we employ at the request of parents or the bureau of charity or other interested people—this with the approval of the municipal authorities.

Acting Chairman LENNON. Can you give the statement as to the actual payments to some of those people under each of those different percentages—what they actually receive for, say, a month?

Mr. O'HERN. I have tried to work that out, and it is a pretty hard matter, on account of the fact you would have to take it exclusively by the week. I think the mass of figures I have made on that would only be largely an estimate showing the average earning rate to be $500 to $650 per year for those men under 20 cents an hour. That is what we claim our labor rate is; in other words, our labor rate is from 17½ to 19½ cents.

Acting Chairman LENNON. Do you believe that they are paid from five to six hundred dollars per annum?

Mr. O'HERN. Five hundred to six hundred and fifty. Some are earning more on account of overtime work they get in.

Acting Chairman LENNON. They must be steady employees, having to work practically every workday in the year, then, or approximately that?

Mr. O'HERN. Not necessarily. Ten dollars a week would be less than 17½ cents an hour. Six days a week at 10 hours would be $10.50 a week, and a great portion of the men are 18½ and 19 cent men; the greater portion would be 18½. That is the rate for common labor that we used.

Acting Chairman LENNON. What is the next query you have there?

Mr. O'HERN. We have shown under the next statement the average number of employees and the average amount per week. I have based that on some

tables that were shown in Mr. Kennedy's report, and also some additional ones, showing our larger gangs.

For instance, the Chicago plant, in what we call the hog killing, hog cutting, cattle killing, sheep killing, canning room, sausage room, curing department, mechanical department.

I have also taken it for two different periods—the period ending October 31 and the period ending March 6. I had to take those periods for the reason that we had no time in the short space of time I had to make this up differently. So we took it under a 10-week period in conformity with our accounting system.

The figures I am giving give exact actual amounts of the pay roll and the average number of men employed in the department.

This statement includes the males, the females, adults, and minors.

In the hog-killing department for the period ending October 31, 10-week period, the average number of employees was 347; the total amount earned in 10 weeks, the actual amount we paid out, $32,905 and some cents; and the average of the employees for the 10 weeks was $94.84, or for one week, $9.48.

The hog cutting, in which the average number of employees was 177, the average per week, $9.78.

The cattle killing, average of 282 men; the average per week, $11.66.

The sheep killing, the average number of employees, 244, with the average per week of $10.77.

For the eight-week period in March—those I just gave are the October figures.

For the eight-week period ending in March, hog-killing department, the number of men was 547, as compared with 347 in the previous period, with an average of $11.06 in March as against $9.48 in October.

In the hog cutting, 237 men, against 177 in October, with an average pay roll of $12.52 in March as compared with $9.78 for the October period.

The cattle killing, 287 employees, approximately the same—October period 282—with an average pay roll of $11.39 for March as against $11.66 for October.

The sheep killing, 198 men in March as against 244 in October, with an average of $9.85 in March against $10.77 in October.

In explanation of this, I want to state that these periods were during the quarantine period, when the quarantine scare was on, which restricted the receipts of live stock; the receipts were very irregular, and there was a considerable scare on the part of the live-stock people as to whether they ought to send their stock into this market or not.

The canning-room statement for the same periods shows an average number of employees during the period ending October 31 of 800, and their average rate for one week, $11.86.

That is the busy season in the canning room.

The average for period ending March 6 of this year was 626 employees, or $9.28 per week.

For the period ending October 31, the canning-room average employees was 800, of which 349 were female, adults and minors, and 23 were boys under 21 years.

For the period ending March 6, 1915, out of an average of 626 employees, there were 310 female, adults and minors, and 23 boys under 21 years of age.

The sausage room for the period ending March 31 was 435 employees, or an average of $10.34 per week.

For the period ending March 6, there were 484 men, and $11.24 per week.

I have the actual figures in money here that is taken from our books. If you desire, I will furnish one of these statements.

The curing department in October period had 371 employees with an average of $11.50 a week.

In March they had 473 employees with an average of $12.88 per week.

That is the very opposite of the canning room. You will notice that the curing departments were busy when the canning room was slack.

Acting Chairman LENNON. In making up those figures, are they inclusive of all the people who work during that period, or were there some who worked a few hours?

Mr. O'HERN. They are inclusive of the average. We could not take all the people, because a few of them would only work a few hours in a week. We had to take the average number of employees. What I took was the average number by taking the pay roll on a certain day each week, presumably

in most of the plants on Thursday, as we consider that one of our uniformly fair average days.

The mechanical department for October period, which includes mechanics as well as laborers and apprentices, was 718 men, with $13.89 average pay roll per week, comparing with March, 705 employees with $14.38 per man per week.

For the period ending October 31, the sausage department average number of employees was 435, of which there were approximately 150 females, adults and minors, and 20 boys, door tenders, etc.

For the period ending March 6, 1915, of an average number of 484 employees 165 were females, adults, and minors, and 24 boys, door tenders, etc.

I believe you have asked for the average number of hours made by certain gangs?

Acting Chairman LENNON. Yes.

Mr. O'HERN. I submit a statement showing the estimated number of hours made per week. We took it for the period from October 4 to 31, inclusive.

Acting Chairman LENNON. That is representative of the period, is it?

Mr. O'HERN. That is the period Mr. Kennedy had mentioned in his statement. I took the exact period, as closely as we could get them to conform to our accounting system.

In the hog killing, average for week was 42½ hours; cattle killing, 50 hours; pork cutting, 43 hours; sheep killing, 44½.

For a period of four weeks in March, March 1 to 27, inclusive, the average hours per week were 43 hours in the hog killing; 46 in the cattle killing; pork cutting, 45; and sheep killing, 37.

This statement does not include a number of men who remained after gang time for the purpose of cleaning up the department, caring for the product and doing such other work as may be required to finish up the work in the department and leave it in condition, ready to start next morning.

I want to say in explanation of that labor that the lower-priced men are always allowed to do the clean-up work. What we call the "gang time" is the time after the major portion of the gang finish and go off duty.

The clean-up work is taking care of the details that can not be taken care of during the time or while the work is going on. That includes about two or three hours' work each day.

As an illustration, I could give you approximately how many of those men have the opportunity to make that two or three hours' extra time in the hog-killing gang. In the hog killing the estimated number in the gang was 350. Eighty of those men were permitted to make two and one-half hours each overtime, which we allow them for cleaning-up purposes. In other words, two, three, or four foremen take a bunch——

Acting Chairman LENNON (interrupting). How many hours had that gang worked as a gang?

Mr. O'HERN. Forty-three hours. The laboring men would have 6 times 2½ hours, or 15 hours more.

Commissioner GARRETSON. Is that 43 hours the average or the actual?

Mr. O'HERN. This is actual time taken. We were able to get the actual time in this particular case. It is the actual time, gang time; the high-priced men received actual pay for what is termed "gang time."

Now, in the cattle cutting there were 280 men. One hundred of these laborers received two hours' extra work each day on the clean-up.

I perhaps should not say that it is six days a week. We have on an average about five clean-ups a week. In other words, there are not many weeks when they work on Saturday, and you can readily appreciate whether we work 1 hour or 10 hours, the clean-up is the same. So that the amount of time necessary to clean up does not vary.

In the pork cutting we had 175 men average in the gang, and 40 men got two and one-half hours each extra.

This gang works practically every day.

In the sheep killing we had 245 men, and 117 got two hours extra in addition to gang time.

I want to say for the gang that on account of the quarantine the receipts were light and we were unable to harmonize our gang with the receipts. For a week we really held men ready, expecting the quarantine to be declared.

Now, we have got other departments, for instance, the canning room, the cutting room, the sausage room, in regard to which I will give you some figures.

In the canning room for the October period 70 hours was the average for the week. That was a very busy season. We worked, I believe, one or two Sundays during that period, and we worked some nights. But the average actual time made by the people in that department for the four weeks' period, taking all the total employees and the number of hours worked, was 70.

I want to say that this is seasonal work, and that it only runs a few months in the year.

Acting Chairman LENNON. What would be the longest limit of hours anyone would have to work?

Mr. O'HERN. I would say that we call it 8 o'clock. We try to work under Government regulation. We are not permitted to work beyond 7 o'clock without getting a permit from Washington.

We also endeavor to work even time as far as possible. We find it not only decreases the efficiency of the men, but it decreases the efficiency of the work. We do not get the results in overtime, nor do we have the men working as efficiently when there is too much overtime.

Acting Chairman LENNON. Would anyone work 18 hours out of 24?

Mr. O'HERN. There would be no cases of that kind, with the exception possibly some of the machinery breaks, and they work to fix up the machinery in case of a breakdown. I do not recall an instance of that kind at this time.

I know we have had the big ice machine, for instance, break down; the men did work all day and night trying to put it in order to get it ready for work.

Acting Chairman LENNON. That would not be in the actual butchering?

Mr. O'HERN. No; there is absolutely none of that.

In the sausage department for the same period, average 62 hours; the curing, 62 hours; the mechanical department, 60 hours.

The mechanical department for the four-week period ending March 1 to 27 was 60, as compared to 60 in the fall. That runs very uniform year around.

The canning department is 50 hours in March, compared with 70 in October period. Compared with the average number of employees in March two-thirds or three-fifths of the number compared with October.

The sausage department was 62. That ran about normal.

The curing department in the spring was heavier again; that ran 68.

The next statement I have prepared here in answer to your question E was the number of males and females employed both in the operating and executive end of the organization. I have total employees at all the plants, males and females, if you desire that.

Acting Chairman LENNON. Yes.

Mr. O'HERN. Well, at Chicago, 7,150 males; 850 females in the operating department; in the executive department, 1,000 males and 150 females.

Operating: Kansas City, 3,100 males, 300 females; South Omaha, 1,400 males, 150 females; East St. Louis, 1,250 males and 200 females; Fort Worth, 1,250 males and 150 females; Sioux City, 850 males and 50 females; South St. Joe, 680 males and 30 females; Denver, 200 males and 20 females; Jersey City, 205 males and 10 females; branch houses, there were 2,000.

I have got this totaled here. I do not presume you are interested in the grand total, although I will give it—18,435 males and 1,765 females employed in operating.

The executive total was 5,305 males and 285 females.

I have here something in answer to this next question, which I had to get up as near as I could come to answering the question you have asked there.

I believe the question is, What are the comparative amounts earned in the various classes?

I was unable to obtain that in any satisfactory manner.

I believe I heard Mr. Kennedy's testimony, and I believe he stated after two years' study and work he was unable to obtain it.

It is something that is absolutely impossible to get to be of any comparative value for the reason that we have, in our average turnover, 8,000 extra employees coming and going through the year. And in order to find out what the amount or percentage earned would be for the various classes we would have to take into consideration what we term the steady time employees and those who are the floating or temporary employees.

That would have to be a guess. But in order to give you actual figures, as near as we could, and give you this information, the fullest information we were able to obtain on it, we have given you these figures. We have taken the total of our average number of employees for the year at our seven large

plants—the actual pay roll of the labor end of it in each plant—and the amount of money earned at each plant.

Now, in making up this statement, it includes in the figures male, female, adults, and minors. The average at Chicago was $11.80 per week. That includes men, women, adults, and minors.

Commissioner GARRETSON. That is the sum total of the pay roll for that point divided by the sum total of the employees at that point?

Mr. O'HERN. Yes.

Commissioner GARRETSON. And it gives absolutely no definite information as to what those individuals earned during the year?

Mr. O'HERN. I had no way to get that in the limited time in which I had to prepare these figures.

Commissioner GARRETSON. The man that earned $4 can't pay grocery bills of an average of $11.80?

Mr. O'HERN. Not if he only earns $4.

Commissioner GARRETSON. That is it.

Mr. O'HERN. Not if he only earned $4.

Commissioner O'CONNELL. Have you any way now of differentiating between the male and female as to the wages of the male and female?

Mr. O'HERN. No, we have not. And I was unable to prepare that kind of a statement. If I can find some way to get a statement of that kind that would be of any information, I would be glad to submit it.

Commissioner O'CONNELL. Have you situations where the male and female are performing the same labor?

Mr. O'HERN. No; we have not. We have males and females doing the same work for a certain portion of the day, but the work in our industry——

Commissioner O'CONNELL (interrupting). In that case would they receive the same pay?

Mr. O'HERN. No; I will explain that in this way: We will have a man at $1.75 a day and a woman at $1.25. There might be times during the day when that man would not be busy at his work and he might be sent over to help out, for instance, wrapping labels and doing things of that kind, but the rate of wages would not be changed for the time that he would be there. And they might be both working at the same labor, the same work, but not getting the same rate of pay.

Commissioner O'CONNELL. I understand that.

Mr. O'HERN. In other words, we move a man around, but we change the rate of wages to the highest rate. We never cut their rate of wages when we move them to a position with a lower rate of wages. For instance, a hide dropper gets 37½ cents an hour and a floor man gets 50 cents. If we change the floor man to work as a hide dropper, his rate of wages would not be cut to 37½ cents, which is hide-dropper rate. But if we move the hide dropper to floor man, we would change his rate from 37½ to 50 cents per hour.

Commissioner O'CONNELL. What are the hours of the women and the girls? We have the men.

Mr. O'HERN. I think we have that here. I have a lot of figures.

Commissioner O'CONNELL. If that is going to delay you in any way, we will take it up later; but I thought possibly you had it.

Mr. O'HERN. I may have it here.

Commissioner O'CONNELL. Have you established a minimum wage for female labor?

Mr. O'HERN. The minimum wage for female labor, except in cases of minors, is $1 per day at most plants; at some plants it is a dollar and a quarter. This is for 10 hours' work.

Commissioner O'CONNELL. What is it in Chicago?

Mr. O'HERN. I think it is a dollar here. I am almost certain of it; I do not have it in front of me, and I can not recall just now.

Commissioner O'CONNELL. Go ahead.

Mr. O'HERN. I think it is a dollar. I know in one plant where I had occasion to go into it just recently, that was a dollar and a quarter minimum.

Now, you have asked for the number of hours worked weekly. From 40 to 44 hours, 4.40 per cent; 40 to 45 hours, 18 per cent; 50 to 54 hours, 13.30 per cent; 55 to 59 hours, 13.40 per cent; 60 to 64 hours, 39.20 per cent; 65 to 69 hours, 7.80 per cent; 70 to 74 hours, 3.10 per cent; 75 to 84 hours, 0.80 per cent.

The above was arrived at by taking the actual gang time worked on the killing gang and the average time for the entire gang on the balance of the

gangs throughout the house. We took the actual time in the killing gangs. The average time in the other departments of the house had to be approximated.

For instance, in the canning-room work the employees in the cookroom come out about an hour or so earlier than the balance of the gang and stop about one to three hours earlier, and for that reason there are men going home at various times during the day, varying in the amount of work put in each day, some of the employees working 8 to 10 hours whilst others make 10 to 12 hours the same day. The proportion of those men is not the same every day, and to make up a statement showing the actual amount made by each of the employees in the plants of that kind covering any extended period would necessitate employing a number of clerks and going into a very great detail.

It must be understood that there is no gang in the entire packing plant that stops as a unit. In other words, a large portion of the skilled men go home at what is called gang time, the balance of the men who stay doing such other work as can not be taken care of during the working hours, and which must be done at the close of work each day.

No females work over 10 hours per day.

Now, with reference to nationality, I have a statement of the nationalities. We have the nationalities at the various plants taken on one day. We could not arrive at it in any other way. It covers Chicago, Kansas City, South Omaha, St. Louis, Fort Worth, Sioux City, St. Joe, Denver, and New York and Jersey City.

Now, we have tabulated the Americans, the Irish, the English, the Scotch, the Germans, the Polish, the Swedish, Bohemian, Lituanian, Russian, Slavonian, Mexican, Croatian, colored, Italian, Belgian, Greek, and miscellaneous.

It would be, perhaps, too tedious to read all of these. I have it recapitulated for each plant in classes.

The English speaking; in one class, German, Bohemian, and Belgian; in another class, Polish and Slovak; in another class, Lithuanians, Austrians, and Russians; in another, miscellaneous.

Acting Chairman LENNON. Have you a copy of that report that you will file with us?

Mr. O'HERN. Yes, sir; you may have that.

Acting Chairman LENNON. Just give a copy of that to the stenographer there, and then give us your synopsis.

Mr. O'HERN. All right.

In Chicago, English-speaking people, 26.44 per cent; Kansas City, 43.52 per cent; South Omaha, 35.48 per cent; St. Louis, 44.83 per cent; Fort Worth, 62.14 per cent; Sioux City, 30.56 per cent; St. Joe, 47.18 per cent; Denver, 40.91 per cent; New York, 35.71 per cent; Jersey City, 60.47 per cent.

German, Bohemian, and Belgian classification——

Commissioner O'CONNELL. Those you gave were the English-speaking?

Mr. O'HERN. The English-speaking.

Commissioner O'CONNELL. What do you include in that?

Mr. O'HERN. The American born, Irish, Scotch, English, and Negro.

Now, in the German, Bohemian, and Belgian classification, Chicago, 12.31 per cent; Kansas City, 5.88 per cent; South Omaha, 23.87 per cent; St. Louis, 8.62 per cent; Fort Worth, 7.86 per cent (practically 8); Sioux City, 6.67 per cent; St. Joe, 10.56 per cent; Denver, 29.55 per cent; New York, 15.71 per cent; Jersey City, 9.30 per cent; with an average total of 11.35 per cent; the average total of 11.35.

American or English-speaking people average for the whole was 36.38 per cent.

The Polish and Slovak, Chicago, 33.75 per cent; Kansas City, 8.53 per cent; South Omaha, 20.65 per cent; St. Louis, 29.66 per cent; Forth Worth, 4.29 per cent; Sioux City, 8.89 per cent; St. Joe, 11.97 per cent; Denver, 4.54 per cent; New York, 18.57 per cent; Jersey City, 23.26 per cent, with an average of 23.56 per cent for the whole—for all the plants.

Commissioner GARRETSON. Are those averages by taking and retaking all the totals in all the plants and establishing the averages?

Mr. O'HERN. It is not an average of the averages. It is an average of total employees in each plant.

The Lithuanians, Austrians, and Russians in the classification, Chicago, 24.5 per cent; Kansas City, 79.21 per cent; South Omaha, 6.13 per cent; St. Louis, 15.17 per cent; Fort Worth, 6.7 per cent; Sioux City, 72.38 per cent; St. Joe, 21.13 per cent; Denver, 11.36 per cent; New York, 28.58 per cent; total, 20.60 per cent.

Miscellaneous: Chicago, 3 per cent; Kansas City, 12.35 per cent; South Omaha, 13.87 per cent; St. Louis, 1.72 per cent; Fort Worth, 19.64 per cent; Sioux City, 21.10 per cent; St. Joe, 9.16 per cent; Denver, 16.64 per cent; New York, 1.43 per cent; Jersey City, 6.97 per cent.

It is pretty hard to account for the variation in the miscellaneous. I believe at one plant there is an Italian colony and at one of the plants some others that we have not classified.

Acting Chairman LENNON. That completes the earlier phase of it. And the next question, as I recall it, Mr. Armour said you would answer, is the—describe the company's machinery for employing men.

Mr. O'HERN. We have an employment department, what we term an employment bureau, that is directly under the supervision of the superintendent of each plant, either one of his assistants, or some man designated by him, looks after the employment of all help. That man receives a request each morning from the various department foremen telling him the number of employees he wants, and what kind of employees he wants, and also specifies whether skilled or unskilled men.

Acting Chairman LENNON. What is the average hours a day that he receives that notice?

Mr. O'HERN. The foremen are asked to place their requests the night before where it is possible. On account of the temporary character of some of the employees the foremen do not always find it out the night before, and they have to fill up their gangs after they have organized them after 7 o'clock in the morning, in which event they send down as soon as they can.

Acting Chairman LENNON. That would mean it would be probably 8 o'clock before they would get to work?

Mr. O'HERN. We make a practice not to keep the employment office open after 8 o'clock. We give orders to close the office as near 8 o'clock as we can, and we tell the men so they will not stay around.

Commissioner O'CONNELL. About how many men usually show up in the morning looking for work?

Mr. O'HERN. That will vary, depending on the season of the year. I presume there has been from one hundred to two and three hundred at times, and might have been more.

Commissioner O'CONNELL. Is there a room prepared for them to go in and wait, or do they have to wait out in the open?

Mr. O'HERN. We have in some places an inclosed place. We have not at this plant. We have only recently established the employment bureau, and are working out some details now.

Commissioner O'CONNELL. At Chicago, you say, there is no place?

Mr. O'HERN. There is no place at Chicago.

Commissioner O'CONNELL. When it rains or snows they have to stand out?

Mr. O'HERN. We endeavor in those cases to provide a place. We would permit the men to sit inside the buildings, but we have no place provided. We are now considering erecting a place.

Commissioner O'CONNELL. What is the usual custom now of employing—say a hundred men are there looking for work, standing line—what is the method of getting to the proper office, say it is a rainy morning or a snowy morning and the men are standing there?

Mr. O'HERN. In that event we would notify them right away. We would know within 15 minutes after 7 what men are wanted and tell the rest of the men nothing would be doing for them, and just let our department foremen get along as best they can.

Commissioner O'CONNELL. How many do you employ each morning in addition to your regular force?

Mr. O'HERN. It is pretty hard to arrive at an average for it. But the replacement, the turnover, in a year—in other words, new men we have given new check numbers to—amount to about 8,000. There is practically 80 per cent of the men that might be termed steady-time employees.

Commissioner GARRETSON. Eighty or eight?

Mr. O'HERN. Eighty.

Commissioner O'CONNELL. You have in your Chicago plant somewhere around 7,000?

Mr. O'HERN. Between seven and eight thousand, I think.

Commissioner O'CONNELL. In order to keep that force up during the year you employ 8,000 more; in other words, you reemploy your entire force, or that part of it, during the year?

Mr. O'HERN. We reemploy a large number of the 8,000, including men who quit in one department and have gone to another department with a new check number.

Up to this last six months they have been entered on our books as new men. During the last six months we have endeavored to organize the employment bureau under a more satisfactory basis. We have established an index card system for men, so that we can arrange to give the old employees preference, because they know our work—are better for us. A man who left one day and would go into the other department and receive a new check number has been counted as a new man.

Commissioner O'CONNELL. And the men hired every morning and employed to work for the day would get a new number?

Mr. O'HERN. Yes.

Commissioner O'CONNELL. And would get a new number?

Mr. O'HERN. Yes. This 8,000 men I told you of includes every man that was given a new check number, whether he was an old employee or not, if he had left his old job.

Commissioner O'CONNELL. An employee taken in each morning—are they given new check numbers?

Mr. O'HERN. Yes.

Commissioner O'CONNELL. Every morning employed?

Mr. O'HERN. To make that plain, I might say to you that very seldom, if ever, is a man hired for a day or two. He is hired to take a place on the gang during the time that a department is doing extra work. He is what you might term on for a seasonal period, if he desires, to-day, or is able to do the work.

Commissioner O'CONNELL. What is the method of employing female labor?

Mr. O'HERN. The female labor is largely employed under our welfare department direction. The girls in the plant, as a rule, also know other girls, and they speak to the foremen about the girls.

Commissioner O'CONNELL. Are they employed in the regular employment office?

Mr. O'HERN. They will get a ticket. The girls in the various departments know when the help will be needed, and they will speak to the foreman and tell him of somebody perhaps that they know that is looking for a job. A great deal of the female help is employed in that manner. We do that for two reasons. In the first place, we get old help back, and we also get more reliable girls. The girls get somebody in there that is a friend of theirs, and they are naturally interested in her and teach her the work. We give preference, particularly in hiring female help, to the recommendations of our female help and welfare department.

Commissioner O'CONNELL. Do you have facilities whereby the females that are employed are taken care of in case of sickness?

Mr. O'HERN. Yes, sir; we have. They are under observation by our welfare department.

Commissioner O'CONNELL. A nurse; do you have a doctor in the plant?

Mr. O'HERN. We have three in our medical force; that is, a doctor and one or two assistants, as well as welfare workers and ladies that spend their time going arount through the plant. If a woman is away from work, an investigation is made, and she immediately visits that home and finds out if the employee or anyone in their family needs assistance, in which event first aid is rendered. If you wish, we have a report of the visiting nurse that just come for this month.

Commissioner O'CONNELL. Just give us some idea of it.

Mr. O'HERN. This is the report of the visiting nurse for the month of March:

Number of old patients—that is, the number that she has taken care of—86; number of new patients, 44; total, 130. Number of patients dismissed, 37; number of patients forwarded, 93.

Acting Chairman LENNON. What does that mean?

Mr. O'HERN. That is where they have patients that have been found sick and they have been sent to a hospital or to an institution or sanitarium, and taken care of after they have been rendered first aid. In other words, they take it up with the associated charities, and find permanent relief for them after that. In all cases they render first aid and get them in touch with these other places.

Number of nursing calls, 83; number of other calls, 81; total number of calls, 264. Improved and recovered, 25; unimproved, 2; died, 1; not found, 1.

To institutions: To the Florence Crittenton Home, 1.

There are four or five places, the Northwestern Dental and the Chicago Polytechnic and the Northwestern Dispensary and St. Bernard's and other institutions.

Acting Chairman LENNON. Just put the statement in the minutes.

Mr. O'HERN. The other part has reference to the diseases and whether they were male, female, adult; whether they were employees or members of some family of employees.

Commissioner O'CONNELL. In that department of the nurses, the welfare department, is there some sort of track kept of possible prevalent disease and to show the method that they have adopted in preventing?

Mr. O'HERN. Yes.

Commissioner O'CONNELL. What is done in that regard?

Mr. O'HERN. There is never a case of contagious disease that is not immediately taken up; it is reported to our doctor and he in turn reports it to the city authorities, and they pursue their investigation and render such aid as in their opinion they think is necessary. The visiting nurse renders such aid at home in the way of comfort and necessaries that they think will be of benefit to them, particularly in the way of advice and help toward getting them medicine and nourishment.

Commissioner O'CONNELL. What I was getting at was as to whether they kept any record for 10 years, or 5 years, or such a matter, they could show the decrease in the disease, a decrease in sickness, because of better sanitary conditions, and so on.

Mr. O'HERN. These reports have only been in existence for about three years. They are hardly of comparative value yet, although we are compiling them; we have not yet thought there was much comparative value in it, but we expect in time to devise some practical plan to keep track and have some uniform method of compiling the reports.

Commissioner O'CONNELL. In Prof. Kennedy's report, he spoke of certain blocks where deaths from diseases were quite numerous. Do you make investigation along that line, to ascertain what the facts are?

Mr. O'HERN. We have had some instances of that kind, and I believe—now, I am only speaking from memory, and I do not want to be quoted as an authority; but one instance I have in mind particularly where the nurse reported she had found on investigation one or two families that were infected with tuberculosis, where their sanitary conditions were not conducive to good health, and she found in those families that they were related, if I am not mistaken. That was an instance that I do not think had any relation to what Prof. Kennedy stated where a large number of people living in certain lots or localities being infected with tuberculosis or other contagious disease.

Acting Chairman LENNON. Did you have any specific matters that Mr. Armour referred to, that you have not touched on yet?

Mr. O'HERN. There was question 21, I believe.

Acting Chairman LENNON. That was really practically answered, I think, under 20.

Mr. O'HERN. Yes.

You asked with reference to handling of old employees. We have given instructions in all instances to give preference to old employees. There are several reasons why we should. In the first place they know our work; they are familiar with it; they are educated to that work; their education means six months' apprenticeship for some new men; and in practically every instance we give preference to the old man and to those who have others dependent upon them. For instance, sons of widows and mothers, of that kind. It has been Mr. Armour's orders to give preference along that line.

Did you want a description of how we hire the men and put them to work?

Acting Chairman LENNON. Yes.

Mr. O'HERN. We just issue a man a check, or a ticket, with a number on it, and he exchanges that for a brass check number for identification and for facilitating in handling of the large number of men in and out of the plant in the shortest possible time. It is about the only purpose of the check number.

Commissioner GARRETSON. You heard Mr. Kennedy describe how they would tap a man on the shoulder and say, "Now, I want you." That is practically correct, is it?

Mr. O'HERN. No; I couldn't say that. To start with, as I just explained to you, the men are picked for their knowledge of the work. For instance, it would be ridiculous when you wanted to hire a butcher to just go and pick out a fellow and tap him on the shoulder. We want men for certain classes of

work. I presume that might do whenever you were wanting to put on a few men for emergency work; for instance, if we had a fire and wanted to put on 25 or 30 men to clean up the débris. I think it is obvious to anybody that when you come to hire men you could not go at it in that indifferent and careless way. I think it would reflect very badly on the operating men in charge to hire men that carelessly.

Commissioner GARRETSON. It would be a good deal in line with a very considerable amount of testimony that has been given here before the commission prior to this time in other industries.

Mr. O'HERN. Well, I can't say it is in ours. I think our increased efficiency and better class of work we are striving to get will necessarily have to come from the men of experience. And we can only get them by taking them back, by taking care of the ones who have experience.

Commissioner GARRETSON. I am somewhat interested in just how some of these averages were arrived at.

Your number of employees for the year was something about 7,100, was it not?

Mr. O'HERN. That is the minimum.

Commissioner GARRETSON. The minimum?

Mr. O'HERN. Yes.

Commissioner GARRETSON. And your total hiring of 80 per cent who are stable, that would be equivalent to 5,700 men steady. You made 8,000 hirings?

Mr. O'HERN. Pardon me, the figures submitted show an average of 7,800. That included males and females; 7,100 I think included only the males.

Commissioner GARRETSON. Well, how much of the 8,000?

Mr. O'HERN. Eight thousand included all the employees.

Commissioner GARRETSON. What proportion of the 8,000 is male?

Mr. O'HERN. About 7,100.

Commissioner GARRETSON. Have you got the hirings, the new hirings?

Mr. O'HERN. I haven't got that figure.

Commissioner GARRETSON. You mean you haven't got it separate?

Mr. O'HERN. No; I haven't got it separate.

Commissioner GARRETSON. It would possibly have a similar proportion to the number employed?

Mr. O'HERN. I could hardly say it would. For instance, in the canning room, which is seasonal work entirely, we employ a large number of girls for about four or five or six months.

Commissioner GARRETSON. Yes; but the total—it will work out the same?

Mr. O'HERN. Yes, sir; it would.

Commissioner GARRETSON. Again, if the totals are 8,000 in the average of both men and women, the regular employees, and the total of hirings were 8,000, those 8,000 new hirings are to replace the unstable 20 per cent?

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. Because you testified 80 per cent remained.

Mr. O'HERN. Well, but I also stated that the 8,000 included a large number of employees who were transferred from one department to another.

Commissioner GARRETSON. Oh, yes.

Mr. O'HERN. But who are coming back as new employees.

Commissioner GARRETSON. It is replacement, just the same.

Mr. O'HERN. Replacement.

Commissioner GARRETSON. In one form or another.

Mr. O'HERN. Pardon me. That would be replacement under the way we handle it.

Commissioner GARRETSON. I grant you that.

Mr. O'HERN. In a small factory, with only 25 employees under one supervision, these men may be constantly moved about to various kinds of work and can be kept permanently employed. In our own place we are organized in departments. We may lay a man off who is a mechanic in a mechanical department and employ him in another place. In departments where they are working under seasonal conditions a large number of employees may be laid off and immediately find employment in the killing gangs or other departments throughout the plant. They may be out of employment a very short time, if at all. They have——

Commissioner GARRETSON. It hasn't hardly a bearing as it appears under your system of picking up?

Mr. O'HERN. That is the way it is, exactly.

Commissioner GARRETSON. But, anyway, the 8,000 are required in this instance to turn over 2,000 positions—virtually 1,500; it is between the two?

Mr. O'HERN. Yes, sir; it is about that.

Commissioner GARRETSON. Now, you further stated that the average was arrived at by taking the number of employees who appeared on the rolls and dividing it into the amount paid by the company, which gave an average wage. Which is your factor in making that division—7,100 or 8,000, as the case may be, or 16,000?

Mr. O'HERN. Eight thousand.

Commissioner GARRETSON. That is a fair example of the real value of averages, isn't it?

Mr. O'HERN. Well——

Commissioner GARRETSON. One would be one-half of what the other is?

Mr. O'HERN. The whole thing depends on whether you hire 1 man for 10 weeks or 10 men for 1 week.

Commissioner GARRETSON. But when it comes to the average wage, it means nothing to the man who gets the smaller amount under the average?

Mr. O'HERN. Oh, no.

Commissioner GARRETSON. It is absolutely valueless as far as what the individual has at his disposal for living purposes?

Mr. O'HERN. No. In that connection I want to state that our wage scale does not represent what he had at his disposal. His income. The number of days which he has worked gives him an opportunity to do many things he could not do otherwise.

Commissioner GARRETSON. Wages will tell nothing, but earnings tell it all?

Mr. O'HERN. Earnings tell it all.

Commissioner GARRETSON. Now, have you the ratings—did you hear the telegraph testimony here?

Mr. O'HERN. No; I did not. I was not here.

Commissioner GARRETSON. It would simplify the illustration.

You rate the men so much per day?

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. And I suppose the average man is disposed of and paid according to his rating.

Now, a $10 a week man, you have a certain proportion that are $10 a week and under. If a man is rated at $10 a week and he works continuously during the year, his earnings would amount to $520?

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. You heard Mr. Armour's testimony that the 40-hour plan, while not specifically applied, he was not prepared to testify to any specific cases, but it applied—it was general in its application in your plant?

Mr. O'HERN. In some of the plant applied as a whole; but in other plants it is applied in this manner: We have instructions to our foreman to adjust their gangs so that they can make 40 hours per week. Their report comes to my desk every week, and attention is called to any gang that works less than 40 hours. This report is also sent to Mr. A. W. Armour, who sees it and note is sent to the various foremen or department superintendents, calling their attention to the fact that the men have made less than 40 hours and warning them to adjust their gangs immediately so that the men will make 40 hours or better.

Commissioner GARRETSON. It is the instruction, then, that it shall be done, but no guaranty to the man that shall receive it?

Mr. O'HERN. It is a guaranty in some plants, but an instruction in others.

Commissioner GARRETSON. Now, men who are rated at $10 a week——

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. And he works we will say, a 10-hour day, because it has been testified you have both 8 and 10 hour days in the different pursuits, I suppose?

Mr. O'HERN. It varies from 8 to 10. We aim to keep it over 8.

Commissioner GARRETSON. If a man rated at $10 a week on a 10-hour-a-day basis, his annual income, if he worked all the time, would be $520?

Mr. O'HERN. Yes, sir.

Commissioner GARRETSON. If he worked 40 hours, if he worked every day, or at least if he worked every week an equivalent of 40 hours and was paid therefor, then his earnings would be five-sixths of the $520, or an equivalent of $433; that is fairly correct?

Mr. O'HERN. It is, but he gets——

Commissioner GARRETSON. Does it occur that way?

Mr. O'HERN. Your deduction does not cover all the facts that I have given. Probably you have forgotten. The 40 hours gang time, the laboring men in those gangs are always held to do this other work. As I say, in the gangs it amounts to at least 2 hours work every day, easily 10 hours work a week. So in arriving at the laboring man's earnings you should at least add 10 hours extra to any figures you have for gang time.

Commissioner GARRETSON. And the man who gets the overtime, according to your statement, in 280 men, 100 were probably held—what about the other 180?

Mr. O'HERN. As a rule, those men are the skilled men that get the higher rate of wages.

Commissioner GARRETSON. Are all the laboring men in those gangs retained for the clean-up work, or only a portion, or do you rate it?

Mr. O'HERN. We do not rate it. On the contrary, we simply have to take some of the men getting the higher rates in order to get sufficient help; frequently they don't want to stay.

Commissioner GARRETSON. And are there enough men to do that?

Mr. O'HERN. It would be in most instances ample, but we give preference to the laboring men.

Commissioner GARRETSON. How far were the figures given by Prof. Kennedy out, which he stated that large proportion of the employees in that territory earned an average of $503 per annum. Would you disagree with that?

Mr. O'HERN. No; I would not. I have stated that I think our laboring average wage that the men can make if they work full time in the packing house which is available for him to work will be between $500 and $650.

Commissioner GARRETSON. Reasonably based upon the data secured from your books?

Mr. O'HERN. I haven't any reason to question it.

Commissioner GARRETSON. Mr. Armour made the statement that you came from the $1.75 stage up to your present position. You ought to be fairly conversant then, and I do not disclaim knowledge on that subject myself, from the same causes—fairly conversant with what constitutes the recognized standard of living by people who compose those classes. Do you believe it can be maintained with a wage of that kind?

Mr. O'HERN. Well, I feel this way; there is a lot to be taken into consideration. I speak from a personal experience. When I started I did not have a family. I was single at the time. And so there are a whole lot of factors enter into that. The actual wage and earning power in one particular job does not necessarily limit a man's earning power in some other line, or some other direction. For instance, in a number of cases these single people can save something out of it. Married people take in boarders. Some have a garden patch; some of them have other means of earning and adding to this income. The standard of living has a great deal to do with it.

When I was getting $1.75 a day, I got along on it. On that wage I saved proportionately as much as I did when I got a whole lot more; it depends on the way you are living.

Commissioner GARRETSON. Were you satisfied with your standard of living on the $1.75 rate?

Mr. O'HERN. Why, that will depend largely on what you call satisfaction. I believe there is always going to be discontent. There is an ambitious discontent that will always exist.

Commissioner GARRETSON. If you had not been dissatisfied, you would not have been where you are?

Mr. O'HERN. I think a man that is satisfied is not progressing. The man that is entirely satisfied never gets very far ahead.

Mr. Kennedy perhaps left an inference, although I do not think he meant to leave it, when he said that a man started at $1.75 a day remained at that pay; that he had to raise a family from the time he was married until that family grew up on that wage.

That does not necessarily follow. When I started out in the packing business at $1.75 most of the men that had any ability, and almost 90 per cent of the men have, were looking for a better job, and they did not stay long on that wage. They will try to equip themselves by learning the work and get a little better salary. And in time they work to where they will improve their working conditions. As they obtain more knowledge and information they are the

most available men in time of promotion, so that your men that started, as Mr. Kennedy said, at $1.75 never stopped at that.

It is true that we have some men that are in such a condition, through physical infirmities and other reasons, that do not fit them for anything except for certain lines of work.

For instance, I have in mind one man right now, a blind man, that has been working 15 years, pulls in the sheep gang. I think he gets something like 26 to 30 cents an hour. He couldn't do anything else. By instinct he has learned to do that work.

We have other men who through age or physical disability, crippled, some one arm and some one limb gone, who do other things. It is not the general rule when a laborer starts in at $1.75 or $1.85 or $1.90, as the case may be, that he stays at that rate of wages any considerable length of time.

Commissioner GARRETSON. I recognize the earmarks of the old adage, that "there is room at the top," in that statement. If every man possessed the instinct that led him to progress, fitted himself in all directions, for this advancement who is going to sweep the blood?

Mr. O'HERN. That is true.

Commissioner GARRETSON. Then the room would all be at the bottom, wouldn't it?

Mr. O'HERN. That is true.

Commissioner GARRETSON. That is all.

Acting Chairman LENNON. Did you have any questions to ask, Mr. Aishton?

Commissioner AISHTON. I think that last question kind of floored me.

You said, Mr. O'Hern, or it has been testified to here, that 80 per cent of the men employed in the plant are what you might call steady-time men?

Mr. O'HERN. They are permanent employees; not classed as steady-time men, but steady employees.

Commissioner AISHTON. So that about 20 per cent of the force is what might be called casual?

Mr. O'HERN. Yes; temporary.

Commissioner AISHTON. And men that you get through your own employment agency?

Mr. O'HERN. Yes.

Commissioner AISHTON. I did not quite understand how that 8,000 was arrived at. Supposing that John Smith is hired to-day through your employment agency and he works four or five days and then there is a reduction in the business, or something, and he is out again, and later if he is hired again, say, a week from now, would his name be counted as two?

Mr. O'HERN. Yes.

Commissioner AISHTON. So that one name might appear a number of times in making up this 8,000?

Mr. O'HERN. Yes; that condition does, in fact, happen. For instance, our beef-boning gang works only parts of the year, and when the men are through with that work the gang is taken to other parts of the house. Some of the men among those 8,000, their names appear five, six, and seven times, so it has no actual bearing on the actual number of new employees that come into our plant. We have no figures on that; our system of accounting will not give that.

Commissioner AISHTON. In this 80 per cent of what you call regular employees of Armour & Co. are there a good many of the old employees; that is, men who have been in the service of Armour & Co. for a good many years?

Mr. O'HERN. Quite a number of them; so much so that not long ago we had a young man connected with the organization who was digging out some soft spots, and he reported on quite a number of old employees where he thought the efficiency could be increased, and I advised him at the time that he might just as well forget it, for if we let them go Mr. Armour would take them back again.

Commissioner AISHTON. That is one of the instances where Mr. Armour takes the part of the employees?

Mr. O'HERN. Yes, sir; he would say, "He has been around here a long time, and you find him something;" that is his characteristic remark.

Commissioner AISHTON. In regard to this "room at the top" they were talking about, as an official in charge of a very large plant, do you not find a good deal of difficulty—is it not one of your principal difficulties, as a matter of fact—to be able to secure men who are competent to fill what you might call the higher positions of the company? Is that not one of the problems you are confronted with?

Mr. O'HERN. Yes; it is one of the hardest problems I have had in this position, to find men to fill responsible positions. Another fact that is a source of worry is because I know the weaknesses of some, not because of their inability, but because they are inexperienced.

Commissioner AISHTON. The foremen and subforemen and heads of departments in your line of business are ordinarily taken from the ranks of the men working in the plant, are they?

Mr. O'HERN. Invariably so. We would give preference to a man lacking education who had experience rather than to a man having education and no experience. It is obvious that our work requires men of experience. There is no line of industry outside of the packing industry that equips men in our line of work, so that experience is a big asset with us.

Commissioner AISHTON. That is all; thank you.

Acting Chairman LENNON. Commissioner O'Connell will ask some questions.

Commissioner O'CONNELL. You are practically the executive in charge of the operation of the plants in Chicago?

Mr. O'HERN. Yes, sir.

Commissioner O'CONNELL. Now, first, who decides what the wages shall be?

Mr. O'HERN. The question of wages is established—well, I can best illustrate that by stating that the wages that we have at the present time are the wages that have been in effect for some considerable period of time. The question of changes in wages would be by me necessarily referred to the directors and finally to Mr. Armour.

Commissioner O'CONNELL. Are the employees taken into conference at all in any way when wages are to be settled?

Mr. O'HERN. An increase of wages necessarily comes by request from the employees. Any decrease in wages would never come or would never affect any old employees; we have never made it a practice to ever cut the wages of any of the employees on our books.

Commissioner O'CONNELL. You say there has been no change in wages for some time?

Mr. O'HERN. There has been no change for some considerable time; and in the event that there had been a change I would know it. I have no experience or knowledge of any change where there was a cut in the wages of the old men. In other words, the practice has been to hire the new men at the lower rate.

Commissioner O'CONNELL. There is no change at the present time, nor has been since the strike, in the matter of dealing collectively with the employees?

Mr. O'HERN. No; except when perhaps half a dozen men might, so to speak, wait on a foreman and tell him what they would like, and he would in turn represent it to his foreman or to the superintendent, who puts it up to us for action.

Commissioner O'CONNELL. In other words, you are dealing practically with the individual employees? For instance, the man appears in the morning and you say, "We want a butcher and here is the rate of wages we are paying, and if you want the job, take it; if you don't, you can go about your business"?

Mr. O'HERN. Yes.

Commissioner O'CONNELL. It is purely an individual contract?

Mr. O'HERN. Yes, sir; it is.

Commissioner O'CONNELL. And if a man does not want to work nine hours, he does not need to go to work?

Mr. O'HERN. No.

Commissioner O'CONNELL. Suppose the men desire, or are anxious for the inauguration of an eight-hour day in the plants in Chicago; they are unorganized and have not been dealing collectively; how would they proceed to inaugurate an eight-hour day in your plant?

Mr. O'HERN. Well, I believe that the average man in our plant is familiar with the working conditions to start with, and would not ask for an eight-hour day. He would recognize the fact that it would be practically impossible for us to readjust our conditions in regard to that.

Commissioner O'CONNELL. I am simply supposing a case; make it a 10-hour day, if you will?

Mr. O'HERN. We would talk that over collectively, I presume; they would take it up with their immediate foreman and it would be by him taken up with the superintendent of the department.

Commissioner O'CONNELL. Would you meet them collectively if they had particular men to represent them?

Mr. O'HERN. I have gone out—not in the Chicago plant, but in other plants—I have gone to them in gangs, collectively, and talked the matter over with them.

Commissioner O'CONNELL. Is it the policy of the company—I take it from what Mr. Armour said, that while he was not against the organization of the men on the outside—that they could get together and have meetings—yet I take it his position is that he is opposed to the men being organized; is that the policy of the company? Is that your policy?

Mr. O'HERN. We have not any defined policy on that; there are some unions in the house. I believe the teamsters have an organization in our plant, and possibly the printers, and there are other men belonging to unions. I have had no dealings with them, however, except with the teamsters' union, since I have been here the past three years; but I have at other times. There is no direct opposition to unions or unionism. From personal observation I would say most of the opposition has been to the way it has been applied, rather than to the organization itself.

Commissioner O'CONNELL. You are a man of affairs, because you are the general superintendent of a large business house employing thousands of workmen and have given thought, undoubtedly, to their welfare and given thought to the interest of the public, and must recognize that there has been and is an unrest; an industrial unrest, and that we have strikes, we have lockouts, and all sorts of things going on occasionally now and then. In Chicago this morning I read of a large number, sixteen or seventeen thousand, of carpenters going on strike, and it is an evidence of some industrial unrest. Now, I do not think all of us feel that all unrest is justified, but that there is some of it that is for the good of the community. Now, in your opinion, what is the cause of industrial unrest, that unrest which does not make for progress?

Mr. O'HERN. Well, I would have no right to express an opinion aside from our own industry. As a matter of fact, I have been so busy on this end of it that I have not been able to study outside conditions. For instance, on the strike condition that exists here locally to-day I could not tell the cause of it, not because I am not interested in it, but because I am too busy to follow it.

Commissioner O'CONNELL. I take it for granted that where there are a large number of people employed, as in the case of your company, there is some industrial unrest; what is the cause of that?

Mr. O'HERN. There is a natural ambition inherent in every man to do better, and better his condition. I do not believe there is any man, not excepting any one of us, who has not at some time in his life felt that he was not making progress fast enough, and that is possibly as hard for him to work out as for us. I have been interested in the company, and in working up from the ranks any success I have achieved has been from the help of those men, and any success that I will achieve in the future will be from their cooperation, and I have been interested in trying to solve these problems, and I do not know of any general expression I can give in regard to that, except this: That we have to meet each case individually, whether it is the individual, the gang, or the organization. I do not know of anything I can say that will contribute to remedying this general unrest. I do not think, however, in our business, that there has been a time that there has been less discontent than now.

We have no discontent in any of the divisions of our plant, and that is marked at this time of the year where men are employed like ours; they are engaged in indoor work, and they have a natural ambition to get out in the open and away at this time of the year, and it creates unrest because of that. Nearly every spring we have this unrest, but it is not so great this year. In the West the desire to get away from the packing houses and get outdoors is very strong, and the men take advantage of that desire and go out and work in the wheat fields, as in Omaha, where they can go to the country and raise vegetables and things of that kind. That is to some extent industrial unrest, because it disturbs conditions and we have to get in a new lot of men and break them in; but we have not experienced that this year.

Commissioner O'CONNELL. This commission is trying to seek, as instructed by Congress, the causes of industrial unrest and make some recommendation; and it is only by the enlightening opinions of men who have had to do with labor, from men who have to do with capital, with men who have to do with big things; it is only by the accumulated, joint opinions of men of that kind that we can carry out these instructions. Now, have you given any thought as to what could be done, what machinery might be created that would be

at the service of the employer and the employee to prevent this boiling over, or great disturbances, not among organizations particularly, but just the boiling over of people in utter indifference to things, a rioting, blowing up, and general turmoil, those general disturbances that come without rhyme or reason. Can you suggest to us any plan or machinery to remedy that?

Mr. O'HERN. I have given that a lot of thought, and I will exlain why. It is obvious that the success of any man must necessarily come from continuous and harmonious operation, and the only thing I can suggest is what we try to follow—that is, to anticipate, if you can, the feeling of the men and the local conditions and remedy the local conditions where possible. We endeavor to make the work as easy as we can, consistent with the class of work we are doing. In other words, if there is anything laborious or hard about it, there is always some one to devise something that may help out on that, and we never hesitate to put it in, whether it saves us a man or not. We feel this way: That in saving that man that much hard labor we are getting that much more efficiency out of that man and in addition to that we have a man satisfied. In other words, that man may not do any more work there, but his mind is active, and he can study work along other lines.

Acting Chairman LENNON. At this point the commission will stand adjourned until this afternoon at 2 o'clock.

(Whereupon the commission, at 12.30 o'clock p. m., on this Friday, April 16, 1915, adjourned for the recess until 2 o'clock on the same day, then to reconvene at the same place.)

AFTERNOON SESSION—2 P. M.

Acting Chairman LENNON. Mr. O'Hern, please resume the stand. Commissioner O'Connell wishes to ask you some questions.

TESTIMONY OF MR. JOHN E. O'HERN—Continued.

Commissioner O'CONNELL. Mr. O'Hern, we found in our investigations in hearings held throughout the country, that a great amount of complaints arose because of the irregularity of employment, and I take it from your testimony this morning that there is a great amount of casual or temporary employment connected with your business. Mr. Armour said they had given considerable thought to minimizing that, citing the fact that the first three days of the week were the important or busy days, and that as yet they had not solved that proposition. Will you be kind enough to give the commission the benefit of the thought you have given to the matter of regulating employment?

Mr. O'HERN. We have endeavored at such times as we can in the year to adjust the gang, and establish, as I told you a while ago, what would be a minimum wage. While the buying is all done practically from noon on Monday until Thursday, the work continues in those irregular gangs—that is, where the employment is irregular—from Monday noon until Saturday, and we aim to spread that work over that period of time. It is impossible, on account of the Government regulations, as well as it would be on account of the fact that we would destroy the efficiency of the men to work them overtime, to try to take care of the business in the first two or three days of the week, or even try to take care of the excessive receipts on special days; and for that reason we endeavor to distribute the purchases of three days throughout the work of five days and sometimes further, but we aim to make the minimum four days. Now, in arriving at some means in taking care of the gang and equalizing that labor, we have to arrange, wherever practicable and where the men are willing, that whenever we see the receipts becoming light, to move the men into other departments where there is more work and there is an opportunity for the men making lower wages to earn more money. In the manufacturing departments we have tried, even though it is of a seasonal character—we have tried to shape up our organization so as to confine it to an actual 10-hour working day. There may be a little deviation from that, but we endeavor as far as possible to take care of it in that manner.

It is a big problem. The stock yards being a public market where the stock raiser and the farmer can send their stock and find a market for it on the day of its arrival, it is necessary for the packers to take up the quantity of stock that arrives on the market every day, and it is impossible for us to organize to meet that condition; we have no known method of doing it now.

In South America they go out on the plains and buy up 5,000 cattle at a time and drive them into the pens and kill 800 or 1,000 a day, and the working day under those conditions is uniform, with that mode of doing the business.

Commissioner O'CONNELL. Then the reason for the large amount of work on certain days is on account of the buying conditions?

Mr. O'HERN. Yes, sir; the receipts are heavier.

Commissioner O'CONNELL. Does the fact that Sunday is a day of idleness account for the fact that there are larger receipts on Monday?

Mr. O'HERN. No; the live-stock raiser and the farmer have gotten wise to the fact, from experience, that the packers will pay better prices for their stock if they get it at a certain time; for instance, shipments that arrive in the early part of the week so that they can be dressed out to arrive in the eastern markets on Thursday or Friday command higher prices, and accordingly the receipts of cattle and live stock are heavier on the first days of the week.

Commissioner O'CONNELL. Mr. Kennedy in his statement yesterday, told about the existence of a number of building and loan associations and fraternal organizations among the various nationalities. Does the company in any way encourage the organization of such associations and give them free access to the men and allow them to issue propaganda among the workmen?

Mr. O'HERN. The building and loan associations, and organizations of that character, do not work through the men in the packing houses, but as a rule through their homes; they visit the homes of the men in the evening. The banks that have savings accounts there endeavor to meet those men during the time they are off of work, sometimes visiting them during the noon hour. They make arrangement to meet a few each day that way, or make appointment to meet them in the evening.

Commissioner O'CONNELL. Are the officials of the company interested in any way in these associations, or the company itself?

Mr. O'HERN. No, sir; except to induce the men to become members of it. We recognize the fact that the more responsible a man becomes the more interested he is in the business and the better employee he is going to make.

Commissioner O'CONNELL. Are you interested in any way in the organization of fraternal organizations among the men?

Mr. O'HERN. We are not, except in a few of the plants a number of the employees have some little organization like a death-benefit fund. I believe we have in five or six of the plants where the boys, two or three hundred of them, have gone into that plan and given the money to the widows, but beyond that we have nothing that I know of; we have nothing in the way of a benefit plan outside of that.

Commissioner O'CONNELL. Are the men who are leaders of the different nationalities looked to to bring their particular countrymen to the plants?

Mr. O'HERN. No; we rather discourage that; we would rather keep the nationalities mixed. We find the best men we can get are those that readily acquire English. We have not attempted to make up organizations or gangs in one nationality, because we find they will not learn the ways of the American people or the ways around our plant and will not take the interest in the work that they would if there were a few English people among them. They work better if they have an opportunity to watch others do the work well and listen to them talk, than if they are among their own nationalities.

Commissioner O'CONNELL. Are there any gangs or organizations in which they speak only their own language?

Mr. O'HERN. No; I do not know of any; we would try to change it if there were.

Commissioner O'CONNELL. Are there foremen employed on the ground that they only speak the language of certain of the men, for instance?

Mr. O'HERN. No; we would endeavor to have an interpreter as one of the subbosses; we never encourage a gang of that character and we do not encourage interpreters.

Commissioner O'CONNELL. Have you had cases come to your notice where men complained because certain foremen would not employ them unless such foreman was in some way compensated for the employment?

Mr. O'HERN. We have run across that occasionally; whenever we have we investigated it; I do not believe we ever had but one or two instances in 10 or 15 years, that I have in mind, where that has occurred, and that foreman was immediately discharged. We have little of it, because such steps are taken, when we find that condition, that no man wants to take a chance. If it is going on, we do not know it; we do not wink at it, by any means.

Acting Chairman LENNON. Mr. O'Hern, I asked the question this morning as to the possibility of young men entering your plant and going from one skilled or semiskilled department to another until they thoroughly learned the business so that if that was destroyed and they had to go somewhere else, they could go into that industry in some other city and feel sure they could fill the job almost anywhere. Now, you ought to be in a position to know whether or not such a development exists.

Mr. O'HERN. It does; so far as the work of butchering is concerned, it is practically uniform at all points, with the possible exception of the kosher style of dressing, but that is uniform at all plants where it is done. I mention that because at some of the plants the men not familiar with the kosher style would not know how we are doing it here; but, beyond that, every bit of the work the men are doing at this plant is practically duplicated at the other plants. I think that is obvious to everyone why that is necessary. Sitting at a long distance away, we can not know how the work is being done unless we know how it is performed; we must know the methods of operation in order to have it uniform. The only way we can establish uniformity in the product is by uniformity in the method of handling or the operation.

Commissioner GARRETSON. Referring to the kosher form, does that require racial fitness?

Mr. O'HERN. Yes.

Commissioner GARRETSON. On the part of the man performing it?

Mr. O'HERN. Yes; we have to hire a rabbi to take care of that work.

Commissioner O'CONNELL. How is he compensated?

Mr. O'HERN. Sometimes he is paid so much a week and sometimes so much a piece. I can not say what the figures are now. I think, in New York it is piecework; in Chicago, I believe he gets so much a week.

Commissioner O'CONNELL. What is the specific amount?

Mr. O'HERN. I could not say for certain, but I rather imagine it is $20 or $25 a week; of course, it depends on the amount he is doing. In some places, you must bear in mind, that we only have 8 or 10 cattle a week, in which event the wages would not be anything like that. If we were doing kosher work continuously, I think we would pay the man $20 or $25 per week, but it would all depend upon the number of hours he is engaged. He only comes on the job when they are killing and dressing cattle kosher style and leaves immediately when that is done; he has no other duties to perform.

Acting Chairman LENNON. As to the living conditions in the stockyards district, are the streets properly sewered?

Mr. O'HERN. The sewers and streets in the stockyards district are as good as any place in the city.

Acting Chairman LENNON. And have the same water supply?

Mr. O'HERN. Yes.

Acting Chairman LENNON. And the school facilities, are they considered as good as in other parts of the city?

Mr. O'HERN. I thing they are fully as good; I do not think there is any question about it. On that point, I would like to say something because Mr. Kennedy's statement yesterday may leave a wrong impression, which I do not think he intended to leave. I do not think there is a class of industrial workers any place in the world where they are living under any better conditions. I say that because I have lived there for 10 years; I lived there while I was in the work until I left the city. There is one portion of that which is entirely a dry district, and that is the district on the east side of the stockyards district. It is possibly true that not 25 per cent of the working people that are now living in and around the district surrounding the stockyards that are now engaged in working at the packing houses. Twenty-five years ago the men in the business were, as you heard Mr. Kennedy state, composed mostly of English-speaking people and Germans, and to-day their sons and daughters are engaged in other lines of business. Their parents were able to give them an education that fitted them to take up other and better positions. Mr. Armour's instructions to me are to give preference to the sons of the old employees, and I get very few of them for the simple reason that those people are able to get an education to fit them for a better walk in life. I do not think there is an industry in the city that has turned out more professional and business men that are able to hold their own in any walk of life. I think among the teachers, policemen, firemen, clergyment, and other professional men, you will find as many from this district as any other district in the city.

Acting Chairman LENNON. How is it that a part of that district is dry?

Mr. O'HERN. Perhaps, if the people voted on it, the saloons would be voted in; but Father Downey was down there—perhaps you have heard of him—it was his influence that kept them out.

Commissioner AISHTON. As a result of these building and loan associations out in the stockyards district, do a good many of the employees own their own places?

Mr. O'HEARN. A large number own their own homes; in fact, that is what has kept a large number of the old employees that used to work in the plant around there—the fact that they own their own homes there.

I think, if the commission has the time to look it up, it will find that the building and loan associations and the savings accounts in the stockyards district, as well as the money sent home by express companies to the relatives of the employees in the old countries, indicates very clearly that those people are fairly prosperous.

Commissioner AISHTON. As I understand, the receipts of live stock at the yards are concentrated at about three days in the week?

Mr. O'HERN. Yes, sir.

Commissioner AISHTON. The packing houses have no knowledge of what the receipts are going to be longer than 24 hours ahead of the actual arrival at the yards of the shipments?

Mr. O'HERN. No; and they only have an intimation then.

Commissioner AISHTON. And that intimation comes from the word the railroad companies give as to the number of cars they are bringing in?

Mr. O'HERN. That is the only information we have.

Commissioner AISHTON. Those shipments are governed by the business sense of the farmer or stock raiser in the country?

Mr. O'HERN. Yes, sir.

Commissioner AISHTON. And it may be affected by weather conditions, and snowstorms might result in holding the stock over until another day?

Mr. O'HERN. Yes, sir.

Commissioner AISHTON. And muddy roads might influence it, or the condition of the feed lot might determine whether or not the farmer would ship his stock?

Mr. O'HERN. Yes.

Commissioner AISHTON. So that really the packer only has an indication for about 24 hours beforehand of what material he is going to have for his plant to manufacture?

Mr. O'HERN. Yes, sir; that is true, and probably a little more explanation on that subject would be this: The packer does not buy direct from the stock raiser or the farmer. He neither directs nor controls the supply; he has no way of advising the farmer or stock raiser when to ship; he buys on the market ordinarily through a commission man.

Commissioner AISHTON. So that the packer has no direct influence on the movement of live stock, and that, in a measure, is responsible for the casual nature of part of your employment?

Mr. O'HERN. Yes, sir. The only difference there will be there will be the seasonal influence that will come like the cattle being prepared and gotten ready for the market when the grass season is over and the hogs being marketed when the farmer thinks they have fed long enough, so there is that seasonal influence twice a year on hogs and once a year on cattle. And the same is true in the canning department; that is, the canning follows the cattle.

Acting Chairman LENNON. Is there anything further you desire to submit, Mr. O'Hern, which you have not submitted?

Mr. O'HERN. I do not know of anything.

Acting Chairman LENNON. That will be all, then, Mr. O'Hern; we thank you for your attendance.

TESTIMONY OF MR. DENNIS LANE.

Acting Chairman LENNON. What is your name, please?

Mr. LANE. Dennis Lane.

Acting Chairman LENNON. Where do you reside?

Mr. LANE. 532 West Forty-third Place.

Acting Chairman LENNON. What is your business, Mr. Lane?

Mr. LANE. I am general organizer for the Amalgamated Meat Cutters and Butcher Workers of North America.

Acting Chairman LENNON. You have heard considerable of the testimony in regard to the conditions existing in the stockyards; are you familiar with those conditions?

Mr. LANE. Yes, sir.

Acting Chairman LENNON. Just tell us your experience in your own way as to conditions in the stockyards?

Mr. LANE. There was some discussion here in regard to paying four days' guaranteed time, and in justice to the packers the men employed, some three years ago—there was an agitation going on in the stockyards for organization, and Swift & Co. inaugurated this plan of paying four days to all employees, all laboring men, all workers, working by the hour, to head off these men from getting into the organization. That did not stop them all, and some of the men went in; and then the superintendent and the foremen of Swift & Co. had intimidated a great many men into sending in a written resignation of their membership in the union in order to retain their position. They further demanded of some of the men to hand over their cards or be discharged. That was in Swift & Co., Morris & Co., and the National Packing Co. the Hammond branch.

As Mr. O'Hern has stated here, in regard to the percentage of the English-speaking people in the different packing centers, while Chicago showed a less percentage than some of the Western cities, Swift & Co. gave this four days' time in all their packing centers, while the other packers did not give it, and it created an unrest in St. Joe, Omaha, and Sioux City, and during the years of 1912 and 1913 they had uprisings and labor troubles there, and to quiet things the packers made it uniform in all those plants, giving four days' time; but it is not given in Chicago only at Swifts and the Hammond Co.

Acting Chairman LENNON. They are not now giving it?

Mr. LANE. Not up to now, as far as I understand.

Acting Chairman LENNON. Are the other plants giving it?

Mr. LANE. No; just Swift & Co.

In regard to hiring men, it is very often—in the warm season, summer time, when things are busy on the outside—it is difficult to get labor to do some of the work to be done in the offal department, and very often men are hired and brought into some of these plants; I have in mind Swift & Co. particularly, where I have seen men brought in there and their coats and hats taken from them, and when they saw the work they were to be placed at they refused to go to work and wanted to get out, and in many cases I have seen the policemen that brought them up follow them out beating them over the backs with clubs because they refused to work on the jobs they were asked to work at.

Commissioner O'CONNELL. Was that in the Armour plants?

Mr. LANE. No; in the Swift plant. I never saw that in Armour's.

Commissioner AISHTON. What date was it you saw this beating of the men?

Mr. LANE. I could not give you the exact year, but it was along in 1905 and 1906, and later than that in the Hammond plant—in 1907 or 1908.

Acting Chairman LENNON. How does the pay for that work compare with other work in the plants?

Mr. LANE. Well, previous to the strike that labor was paid $1.85, and after the strike they were reduced, some of them, as low as to $1.50, 15 cents an hour. They used the system of laying off the men and hiring others in their places at reduced wages; that is, in the common labor. For instance, a man is getting $1.85 on a job and they do not come out flat-footed and tell him that his wages will be reduced, but they lay him off for no reason other than a slack in business, and possibly the next day there will be some one else in his place at a reduction of from a cent and a half to two cents an hour.

In regard to the spotter system which is employed there, it is a fact that there are spotters employed by the packers, as some of our men investigated advertisements from agencies here to work in the packing plants and were told they would receive a regular wage from the agency and whatever employment they were put at in the packing houses, to take it and draw their pay there just the same as if they were working individually for a firm, and to make a report to no one but the agency; that was here on Dearborn Street. I myself became fairly well acquainted with several of these so-called spotters and have met them in various parts of the country; I have met them in Fort Worth, and I have met them in St. Louis, and I have met them in Omaha, and they would go in there and go to work through orders from the office, and possibly take a job squeegeeing the floors in the killing gang, or possibly out on the railroad watching the cars, and they were to report all information in regard to anyone belonging to labor unions to headquarters, and orders were issued from there to discharge him for cause. That is also supported by our organization furnishing a blacklist after the strike of 1904. There are competent, skilled

machinics kept out since then and denied employment, and in instances where they have got employment under assumed names they have been discharged when it was discovered they had been employed by the companies they were formerly employed by.

Acting Chairman LENNON. Have you ever seen any such list of names?

Mr. LANE. No, sir.

Acting Chairman LENNON. What evidence have the men given you that they were blacklisted because of their connection with the strike? What have they said to you that convinces you it was a fact?

Mr. LANE. It comes to us in roundabout ways through the foremen.

Another problem that is a very serious matter there in regard to unrest is the discharge or laying off of good competent men because they are inclined to be men that would speak for their rights at times when some employee that had formerly been employed as a strikebreaker wanted a position and one of these other men would have to make way for him, and in many cases a white man would be laid off and a negro put in his place. There are many positions where there are two or more men working at some task, such as chopping hogs on a block on the cutting floor, and they will put a big burly negro on one side and a white man on the other, and let them battle it out for supremacy; that is their method of arriving at efficiency.

In several instances women of foreign birth have taken the places of men in work that I consider unfit for any woman to perform, such as is termed in packing town as working in "gut shanties," cleaning cases and washing beef, and trimming meat in sausage rooms, and such as that. That is work that was formerly done by men, and they are gradually putting women at that work at less wages.

Acting Chairman LENNON. What do you know about the wages paid out there? Do you know what the wages are accurately?

Mr. LANE. I could give it approximately what they range; they range anywhere from 15 cents an hour to 50 cents.

Acting Chairman LENNON. You would not know what proportion received the higher wages, would you?

Mr. LANE. I would approximately say that there is less than one-half of 1 per cent drawing 50 cents an hour.

Acting Chairman LENNON. And drawing 20 cents an hour or more, what proportion would you say?

Mr. LANE. Well, 20 cents an hour or more, I would say 50 per cent.

Acting Chairman LENNON. Have you ever known of the companies undertaking to secure employees otherwise than has been testified here; that is, that they get them practically at the plant? Did you ever know of them sending to Europe or sending to New York or using employment agencies?

Mr. LANE. Why, not since the strike of 1904 I don't. During that time they did.

Acting Chairman LENNON. During that time there were men imported here, during the strike?

Mr. LANE. Yes, sir.

Acting Chairman LENNON. Has that been done since that time that you know of?

Mr. LANE. Since that time I do not know of any.

Acting Chairman LENNON. To your knowledge, have wages increased or decreased since the strike of 1904?

Mr. LANE. They have practically decreased.

Acting Chairman LENNON. Tell us about it.

Mr. LANE. Previous to the strike of 1904 common labor received a minimum of 18½ cents an hour. There are men working in the yards to-day doing the same work at as low as 15 or 16 cents an hour. Skilled mechanics are to-day receiving the same wages per hour, but they have split up the work to such an extent that it is practically two men doing the work that was formerly done by three.

Acting Chairman LENNON. Is there any other matter, Mr. Lane, that you want to submit?

Mr. LANE. That is about all.

Commissioner AISHTON. Are you actually engaged by any packer now, Mr. Lane?

Mr. LANE. No.

Commissioner AISHTON. What was the date of your last employment?

Mr. LANE. February 24, 1913.

Acting Chairman LENNON. That will be all, Mr. Lane; you will be excused.

EXHIBITS.

KENNEDY EXHIBIT NO. 1.

The standard of living in the stockyards district rise and fall with the scale of wages paid in the packing industry. It is a conservative estimate to state that 50 per cent of all the male employees in the packing industry are paid $10 per week or less, and that over 60 per cent of all the women employees in the packing industry are paid $6 per week or less. Our family budgets prove conclusively that no ordinary workingman can support a family decently on $10 a week in Chicago. We know it is extremely difficult for any woman to live decently on $6 per week in Chicago. Therefore these low wages mean a low standard of living for thousands of families in the stockyards district. Our studies have shown that an inadequate income for the head of the family means that boarders will be taken in to help pay the rent, and this generally means overcrowding and lack of family privacy. When the income of the head of the family is too low there is strong economic pressure to send the wife out to work in the packing house, factory, and elsewhere, while the children are sent to work as soon as they become 14 years of age. Even with the income thus derived from boarders and the labor of the wife and children it is sometimes impossible to feed, clothe, and educate the family decently.

When an industry, such as the Chicago packing industry, pays its workers such low wages that it is almost impossible for them to maintain a decent American standard of living, the community as a whole is bound to suffer.

Instead of strong, vigorous, well-educated children being reared for our future citizenship, we are certain to get a group who are weak physically and woefully undereducated. An unnecessary burden is put upon our municipal, State, and charitable institutions, for when the wages are insufficient to care for the family properly, resort must be made to charitable and State institutions. It is not surprising to learn in this connection that one of the busiest branch offices of the United Charities is found in the heart of the stockyards district, nor is it surprising that of all the deaths of adults in the stockyards district 31 per cent are from tuberculosis. In a word, abnormally low wages lead inevitably to bad housing, undernourishment, excessive use of alcoholic stimulants, child labor, unnecessary disease, and many other evils which put a serious burden on the community as a whole.

CONDITIONS BECOMING WORSE.

The wages of the unskilled workers in the packing industry are not only extremely low, but judged by their actual purchasing power they are fully 20 per cent lower to-day than they were in 1903. Thus, wage conditions are not only bad, but they are becoming progressively worse.

Since, as we have shown above, abnormally low wages in any industry are not only a matter of concern to the employers and the employees, but also to the community as a whole, the question arises, What can a community do in such a case to insure that every worker should get at least a living wage? Perhaps there is no single simple solution of this problem, but the following possibilities are offered for what they may be worth:

(1) The State may fix a minimum wage for all the workers in the industry. In doing this the State would simply be exercising its police power in a matter quite as vital to the community as many others which are already under State regulation.

It was found, for example, that if the packing companies were allowed to conduct their slaughtering and meat-packing business as they saw fit, the

health of the consumers of meat products would be endangered by insanitary conditions in the packing houses. Therefore the Government established minimum sanitary regulations which must be observed by every packing company, and it employs a large staff of inspectors to see that these regulations are complied with. Few people question the necessity and value of Government regulation in the packing industry and Government inspection of meat products in order to protect the consumers. In our opinion, it is quite as important to the welfare of the community that the rather ignorant unorganized immigrants employed in such industries as the packing business should receive enough wages to buy nourishing food as that the food should be fit to eat when they get it. Our statistics regarding wages and the cost of living in the stockyards district show that it is just as necessary for the Government to protect the workers in their dealings as wage earners with the packing companies as it has been to protect the consumers. It is hardly the place here to discuss in detail the methods by which a minimum-wage law might be put into practical operation. Such laws are already in operation in Australia and England, and State commissions have been studying the question in Massachusetts, Wisconsin, and Minnesota. If the desirability of such legislation is once generally recognized, ways and means can soon be found to put it into operation.

HORDE OF IDLE WORKERS.

(2) One of the reasons that wages are so low in the packing industry is that there is always a horde of idle workers waiting at the employment offices of the packers for jobs. If some of the workers in this district could be diverted to other places where there is a greater demand for their labor, it is probable that the wages would be somewhat higher. Therefore, if a State or municipal employment bureau were established in the stockyards district, which would acquaint the workers there with opportunities to secure employment elsewhere, the surplus supply of labor might be somewhat reduced.

(3) There was a tendency for wages to increase in the packing houses up to the year 1904 when the great strike took place which destroyed the workers' union. Therefore it seems probable that if the workers in the packing houses of Chicago and other cities could be reorganized they might be able to raise wages at least as rapidly as the increase in the cost of living. What could be more significant than the fact that immediately after the strike of 1904 was lost and the power of the union broken the wages of the poor laborers who were getting 16 to 20 cents per hour were generally reduced 1 or 2 cents per hour.

It should not be forgotten, moreover, that a trade-union is not only an organization for raising wages and improving working conditions, but that it frequently does a splendid educational work, especially among the newly arrived immigrants. There can be no question that a well-conducted trade-union would be of tremendous value to the community in helping to assimilate the thousands of newly arrived Lithuanians, Poles, Bohemians, Slovaks, and other nationalities that are coming to this district.

Although the butcher workmen's union was practically destroyed in the great strike of 1904, traces of its good influence are found in the stockyards district even to-day.

FACT FULL OF MEANING.

It is a significant fact that practically every student of social conditions in the stockyards district up to the time when the union was destroyed praised the work that it was doing for the employees and the community. Prof. John Commons, for example, writes in his work on Trade-Unionism and Labor Problems (pp. 233): "Perhaps the most remarkable gain secured by the cattle butchers' union, and one that was shared by all the others, was the adoption of regular hours of work * * * . It was nearly two years after the union was organized before it felt strong enough to take up this matter. A strike was threatened, but finally a conference was secured with a leading packer. The union spokesman told him of these hardships (due to extremely irregular hours) comparing their position with his own, in that they never knew beforehand when their work would begin or be done, when he could finish up his day's work and go home. The packers only replied that he had never known that such conditions had existed. From the date of that interview, although no promises were made, overtime has been established for the cattle butchers in all the establishments * * *. That a union had to be organ-

ized and threaten a strike in order that the owner of the business might learn of conditions which his own consicience promptly disapproved, is a fact full of meaning for all who are disturbed by the modern unrest of labor."

The question may be raised whether a trade-union would be necessary or desirable in the packing industry providing our first two suggestions were acted upon, viz, the fixing of a minimum wage by the State and the establishment of a State or municipal employment bureau in the stockyards district. Our answer must be strongly in the affirmative. In the first place a minimum wage law would be much more likely to be successful if there were a strong trade-union among the workers to see that it is properly enforced. Secondly, the trade-unions are a powerful agency for the education of their members along civic and social lines and this is especially desirable in industries such as the packing industry, where large numbers of immigrants are employed. Thirdly, as was shown by Prof. Commons, even when the employers are kindly disposed they do not always know the conditions under which their employees labor and the grievances which they suffer. The only way in which such grievances can be redressed is through the assistance of a powerful labor organization.

The Chicago packing companies are among the most powerful corporations in the world. They have practically eliminated competition among themselves and present a united front to labor. What pressure can an individual worker bring upon such powerful corporations to redress grievances and to improve conditions? How can a simple-minded Polish or Lithuanian peasant be expected to hold his own in dealing with these tremendous machines organized solely for the making of profits? On the one hand we find unlimited financial resources, the best of business ability and experience; on the other poverty, ignorance, and thousands of unorganized individuals competing fiercely for jobs. Will anyone contend that packer and peasant now meet on an equal basis? Will anyone contend that the stockyards worker has a fair chance to get the full value of his labor? Our statistics showing the low and decreasing wages in the packing industry are a sufficient answer to that question.

The only hope of anything like a square deal for the workers in the packing industry; the only hope for an intelligent, independent, and vigorous American citizenship in the stockyards district lies in the organization of a powerful trades-union in the packing industry.

UNEMPLOYMENT DRAGS DOWN WAGES.

Unemployment undermines the life of the community not only by dragging down the general level of wages but by creating a group of casual laborers who in the course of time do not want to get regular work. There is a strong tendency for those who can not find work to hang around saloons and to fall into habits which undermine them physically and mentally. The problem of unemployment, therefore, is one of the most serious with which the workers of the stockyards district are confronted.

Unemployment in the packing industry is mainly of three types: First, there is the loss of time from day to day due to the fact that the killing gangs and several other departments work irregular hours. For example, a cattle butcher may work 5 hours on Monday, 11 hours on Tuesday, 9 hours on Wednesday, 7 hours on Thursday, 8 hours on Friday, and 3 hours on Saturday. As was shown in Part I the average number of hours per week put in by the members of the killing gang ranges between 38 and 40. Second, considerable unemployment is caused by seasonal work. In the canning department, for example, there may be a great rush of work at one time of the year and practically nothing to do at another. Probably the majority of the departments of the packing industry are more or less affected by these seasonal fluctuations. Third, irrespective of these causes of unemployment, there is always an army of unemployed in the stockyards district ranging from 2,000 to 7,000, many of whom have never been at work in the yards at all.

Obviously, any solution for the problem of unemployment in the packing industry must recognize the difference between these various kinds of unemployment. Undoubtedly much could be done to eliminate the difficulty in the first case if the packers would deliberately attempt to secure regular hours of work for their employees in all departments. It is probable that the killing gangs could be put on an eight-hour day basis with Saturday half holiday at comparatively little additional expense to the companies. It would mean that in some cases the stock would have to be kept 12 hours longer than otherwise.

Likewise, in regard to the second type of unemployment, much could be done by the packers to improve conditions. In some cases at least work could be spread more evenly through the year, and regular periods of vacation could be established for the employees. With proper foresight and organization of the working force the periods of unemployment and insecurity for the workers could to a considerable extent be changed into periods of vacation and recreation. As it is now the whole burden of insecurity of unemployment is placed upon the shoulders of those least able to bear it. In many of the departments the workers do not know how many hours they are to be employed from day to day, and they don't know when they will be laid off indefinitely. All this should be changed. If this irregularity of employment is inherent in the nature of the packing industry, then the industry as a whole should bear the burden, not those who are struggling on the margin of subsistence. The system whereby the packers hire their help by the hour and the day puts the workers in the most extreme position of insecurity. In one or two cases the companies guarantee the workers a minimum amount of employment throughout the year. If some such device as this were made universal some of the most serious evils of unemployment would be abolished.

The third type of unemployment, that rising from the surplus supply of labor in the district, can not be eliminated by the action of the packing companies. This problem must be solved by the community.

WORKING CONDITIONS BAD.

The working conditions show the need for more thorough inspection and the more vigorous enforcement of regulations to protect the health and welfare of the employees. In many cases, for example, the light and ventilation are very bad. Undoubtedly much of the tuberculosis in the stockyard's district is due to these bad working conditions. When 31 per cent of all the deaths of adults in the stockyards district are caused by tuberculosis it is time that the community should see that the work places of these people are properly lighted and ventilated. The jurisdiction of the State department of factory inspection in regard to matters of ventilation, light, and sanitation in the packing houses is open to question, but if the State department has not the power to secure proper conditions there is no doubt that the Federal Government can enforce any regulations that are reasonable. Some rooms in which the workers are employed should be closed up altogether, while new windows should be cut in others and systems of ventilation fans installed.

In some cases the workers are employed in damp rooms with water dripping from the ceiling. This should not be tolerated, as it could be easily prevented. In other cases the temperature is needlessly high.

Since 1906 there has been a considerable improvement in the packing houses in the provision of wash rooms, toilet facilities, and locker rooms.

Practically no provision for lunch rooms has been made for the employees of the packing industry, except in the canning department of Company B and in the office buildings. It certainly seems reasonable that the employees who spend their working hours amid conditions which are generally disagreeable should at least be permitted to eat their lunches in a clean and sanitary lunch room. The probability is that if the packing companies provided satisfactory lunch rooms for all the workers in their employ they would actually derive a profit from the investment. There can be no doubt that if the employees had a warm, nourishing lunch served in a sanitary, comfortable lunch room they would work more efficiently than they do at present.

The accompanying photograph[1] shows a group of packing-house workers rushing out to "Whiskey Point" at the noon hour, either to eat their lunches in saloons or to get pails of beer to take back to their work places. It can easily be seen that there is a great waste in time and energy, not to speak of the fact that the workers are not getting anything like the relaxation to which they are entitled. Therefore, if we are to look at the matter as a business proposition or from the standpoint of decent treatment of the employees, lunch rooms should be provided for the workers in all departments.

PENSION AND INSURANCE FRAUDS.

In recent years it has been recognized throughout the world of industry that the workers are entitled to protection against the insecurity and dependence arising from industrial accidents, sickness, and old age. Hence, in

[1] Not printed.

inaugurating insurance systems and old-age pensions for their employees, the officials of four of the leading packing companies have taken a progressive and commendable position. But while the recognition of the principle of workingmen's insurance and old-age pensions is a step in the right direction, the plans under which these principles have been executed by the packing companies are open in some respects to serious criticism. The pension systems, for example, which thus far have been established by two of the companies, apply to salaried employees only. If the term "salaried" is given its general meaning, the great mass of the workers will be excluded. But it is precisely these workers above all others who need the system of old-age pensions; first, because their earnings are too small in most cases to permit of their laying aside any savings for old age, and secondly, because their work is frequently of such exhausting nature that at the age of 50 or 55 they are worn out and thrown on the scrap heap.

Another respect in which the pension schemes are open to criticism is that they are decidedly undemocratic. Although the employees are compelled to contribute 3 per cent of their salaries annually, they have practically nothing to do with the administration of the funds involved.

In some respects these pension systems appear to be cleverly devised schemes to prevent the more intelligent workers from attempting in any way to bring pressure upon the companies to advance wages or improve working conditions. For example, the provision found in both plans that an employee may be discharged at any time and his contribution to the pension fund returned to him with 4 per cent interest thereon means simply this: If the worker had been in the employ of Company A for 18 years and should join with his fellow workers in a strike, he would thereby forfeit all of his rights to a pension. The companies, of course, may well say that if the worker got back his contributions with interest he has no ground for complaint if he does lose his pension. While there may be some justice in this point of view, nevertheless any scheme which tends to make the workers more subservient in such industries as the packing industry, where they are already at a decided disadvantage in bargaining with their employers, can hardly be looked upon as beneficial from the standpoint of the community.

The insurance systems of Companies B, C, and D, especially of the two former, are open to some of the criticisms made of the pension schemes mentioned above. The plan of Company D is democratic, but the burden falls entirely upon the workers. The company makes no financial contribution and assumes no financial responsibility. The plans of Companies B and C are undemocratic, although the workers do theoretically have a voice in the administration of affairs. The companies really control the whole matter. The benefits for industrial accidents are comparatively low, being much smaller, for example, than those paid by the International Harvester Co. in similar cases.

In general, it may be said that while pensions and insurance systems are highly desirable, if they are to be of benefit to the workers of the community as a whole, the burden must be placed upon the industry rather than upon the workers alone, and the management must be so democratic and the payment of benefits so adjusted that the effort of the workers to maintain their standard of living through trade-unions and other organizations will not be restricted.

SPEND LIFE "PUMPING KIDNEYS."

Anyone who goes through a modern packing house must be struck by the extreme division of labor obtaining in most departments. We enumerated in Part I the various employees required to slaughter 1,050 cattle in a working day of 10 hours. Among the occupations mentioned in this list we find such as the following: "Two shackling cattle," "one trimming bruises," "one washing hind shanks," "one trucking feet," "one pumping kidneys," and so on. Unquestionably the organization of labor which has evolved this high degree of specialization is very efficient from the purely economic standpoint. But here again, as in so many other cases where great economic advantages have been gained in modern industry, the advantages all go to the employers and consumers and the disadvantages are all suffered by the workers.

When society demands of any worker that he shall spend his life "shackling cattle," "trucking feet" or "pumping kidneys," then society must see to it not only that the work is done under the best possible conditions, but that the workers should receive sufficient compensation and have sufficient leisure

to secure for themselves the development and culture which are absolutely denied to them in their daily work.

These specific cases are mentioned here merely to illustrate a condition which is widespread not only in the packing industry but in many other industries. By the introduction of machinery and the extreme division of labor, the day's labor has been made one continuous grind of meaningless drudgery. If these workers are not to become dull and spiritless as the machines which they tend, then something must be done to counteract the effects of their daily labor in the hours when they are outside of the packing house or factory.

Here we have another important reason why a reasonable income must be insured to the unskilled workers as well as regularity of employment, with regular periods for vacation and recreation.

OVERCROWDED—VACANT LAND NEAR.

The facts prove conclusively that housing conditions existing in certain sections of the stockyards district are extremely bad. Although there is much vacant land within 2 or 3 miles of the packing houses, yet the houses have usually been crowded together with little regard to light, air, and sanitation. Most of the houses are poorly constructed frame buildings, and in many cases adequate toilet facilities are lacking. Probably the most serious evil, however, is that of overcrowded rooms.

The housing problem in the stockyards district can not be solved completely without dealing with the housing problem in the whole city of Chicago. Builders should be forbidden to cover more than 60 per cent of their lots with buildings to be used for housing purposes. Better inspection is needed to enforce housing legislation. It is also imperative that a large number of sanitary, attractive dwellings should be erected to be rented to stockyards' workers at a reasonable cost. It is unlikely that such dwellings will be erected by private builders as a business investment. The packers might undertake something of this kind in the same way that Krupp & Co., of Essen, Germany, have erected dwellings for 7,000 of their employees and their families. If the private builders and the packers fail to provide suitable housing accommodations the city should secure the power from the State legislature to engage directly in the housing business.

Municipal housing is quite common in many parts of Europe. There is no sound reason why municipal housing should not be undertaken by American cities if satisfactory accommodations for the workers can not be secured in any other way. It is just as essential for the welfare of the city that its workers should be well housed as that they should have a pure supply of water. It has been found that the water supply can best be furnished by the municipality, and it will probably be found that in some cases, at least, the solution of the housing problem will be accomplished best through municipal ownership.

There can be no question that municipal ownership of the land is desirable, since this would give the city complete control over building operations and would reserve to the whole community the unearned increment in land values which is created by growth of population. If the city goes into the housing business it should own not only the land but the dwellings which are erected upon the land. They could be rented to the workers at a reasonable cost without any financial loss to the city. There is still plenty of vacant land west of Robey Street, which is less than a mile from the principal packing houses.

In the old Twenty-ninth ward the density of population east of Robey Street was 58 to the acre in 1910; west of Robey Street there are 6½ square miles of habitable land with a density of only 3.5 to the acre. If a street car line were run west from Ashland Avenue on Forty-third Street it would open up much of this territory to the stockyards workers. There is a splendid opportunity to build a garden city for the stockyards workers a mile or two west of the stockyards, providing suitable transportation facilities are offered. It would seem that the packers have a splendid opportunity to do something toward the housing of their workers which would prove to be not only extremely beneficial to their employees, but also a good business investment for themselves.

ODORS STILL BIG PROBLEM.

Considerable progress has already been made toward the abolition of the smoke nuisance in the stockyards district. One company has clearly demonstrated that its power plant can be operated successfully without polluting the

air to any noticeable extent. Moreover, officials of this company have stated that their smokeless power plant has been running more cheaply than the one which they had before and which was one of the worst "smokers" in the stockyards. If the city ordinances are strictly enforced, the smoke nuisance, as far as the power houses are concerned, can be nearly eliminated.

Locomotives running into the "yards" pollute the air more now than all the smokestacks of the packing companies. Any real solution of the problem must come through the use of oil as fuel or electrification.

The problem of offensive odors seems to be little nearer solution to-day than it was 10 years ago. As was stated before, the worst of these odors originates in the fertilizer department, glue factories, and tank rooms. The community should demand of the packers either that they find some way of eliminating these odors or that these departments should be moved some distance outside of the city.

The stockyards are known as the most dangerous district for fires in the whole city. The reasons for this are, first, that very few of the buildings in the yards are of fireproof construction; second, that the warehouses and cold-storage rooms are very much like vaults, in which it is very difficult to fight a fire; and third, because there never has been an adequate water supply in the stockyards district. For the protection of the workers and of the firemen whose lives are endangered by these conflagrations, the community should demand, first, that every new building erected in the stockyards should be of strictly fireproof construction; second, that sprinkler systems should be installed in the ceilings of cold-storage buildings, warehouses, and other rooms where it is difficult to fight fires successfully; third, that a high-pressure water system be installed in the stockyards district which will insure plenty of water at a high pressure in cases of emergency.

GETTING THE MONEY.

It may be asked, Where are the packers to secure the money necessary to increase wages and make the improvements suggested in this paper? It may be said that while the various recommendations are highly desirable. they can not be put into effect without bankrupting the companies. Without an accurate knowledge of the profits that are being made by the different packing companies, it is impossible to say to what extent wages can be raised and improvements made under present conditions. We know, however, that one of the largest companies has paid an annual dividend of 7 per cent to its stockholders for several years, besides setting aside a considerable surplus.

The net profits of this company have averaged about 12 per cent for the last five years on the capital investment. It is probable that the other companies have earned as large a profit on their investments as the one just mentioned.

Therefore, we have good reason to believe that the various packing companies are in a position to raise the wages of their employees at least in proportion to the increased cost of living, and to make such improvements in sanitary and working conditions as have been suggested in this study.

O'HERN EXHIBIT.

Report of the Visiting Nurse Association of Chicago for month ending March 25, 1915.

[District 47.]

CLASSIFICATION OF DISMISSED PATIENTS.

Number of old patients	86
Number of new patients	44
Total	130
Number of patients dismissed	37
Number of patients forwarded	93
Number of nursing calls	83
Number of other calls	181
Total number of calls	264

CLASSIFICATION OF DISMISSED PATIENTS—con.

Transferred to other districts	2
Improved and recovered	25
Unimproved	2
Died	1
Not found	1
To I. W. S.	1
To M. T. S.	1
To hospitals (designate):	
Florence Crittendon	1
Psychopathic Hospital	1
Wesley	1

Report of the Visiting Nurse Association of Chicago for month ending March 25, 1915—Continued.

CLASSIFICATION OF DISMISSED PATIENTS—con.

Not dismissed:	
St. Bernards	3
M. R	1
Northwest Dispensary	11
Invest. dism	2
Chicago Lying-in Hospital	1
To other districts	1
Chicago Polyclinic	1
Northwest Dental	2

CLASSIFICATION OF NEW PATIENTS.

By sex and age:	
Male	9
Female	34
Not found	1
Men	6
Women	30
Children under 14 years	1
Babies under 2 years	6
Unknown	1
Couutry of birth:	
United States, white	16
Ireland	7
Lithuania	13
Poland	6
English	1
Others (classify)	1

CLASSIFICATION OF NEW PATIENTS—continued.

Industrial nurses:	
Dressings at plant	88
Interviews at plant	749
During month carried on books:	
Waiting—maternity	5
Delivered	5
Chronic	3
Diagnosis:	
Tuberculosis, pulmonary	4
Tuberculosis, other diag	1
Pregnancy	1
Abortion	1
New born	1
Bronchitis	4
"Colds"	4
Pneumonia	1
Tonsilitis	1
Grippe	1
Insanity	1
"Feeding"	2
Goitre	4
Malnutrition	1
Senility	2
Minor injuries and contusions	3
Welfare, Otitis Media, defective teeth, defective eyes, appendicitis, phlebitis, nasal hemorrhage, unknown, suspected tubercular bacilli, others.	

MARY BOYES,
Armour & Co. Nurse District.

Comparative statement of actual packing-house pay-roll figures for the fiscal year ending Oct. 31, 1914.

[This includes males and females, adults and minors.]

	Estimated number employed.	Total pay roll.	Equals per employee per year.	Equals per employee per week.
Chicago	8,000	$4,997,884.62	$613.48	$11.80
Kansas City	3,400	1,925,157.74	566.21	10.90
South Omaha	1,550	996,178.21	642.70	12.36
St. Louis	1,450	903,388.47	623.03	11.98
Fort Worth	1,400	798,678.86	570.48	10.97
Sioux City	900	520,847.02	578.72	11.13
St. Joseph	710	451,484.70	635.89	12.23
Total	17,410	10,503,619.62	603.31	11.60

Statement showing number and percentage, at various rates, in packing houses.

[Females—Minors and adults.]

	Chicago.		Kansas City.		South Omaha.		St. Louis.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 10 cents	17	2	.....	.....	.....	.....	.....	.....
10 to 12 cents	706	83	264	88	.....	.....	196	98
12½ cents and up	127	15	36	12	150	100	4	2
Total	850	.....	300	.....	150	.....	200	.....

	Fort Worth.		Sioux City.		St. Joseph.		Jersey City.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 10 cents	.....	.....	.....	.....	.....	.....	.....	.....
10 to 12½ cents	40	43.48	5	10	2	4	.....	.....
12½ cents and up	52	56.56	45	90	28	96	10	100
Total	92	.....	50	.....	30	.....	10	.....

NOTE.—The above figures include both day workers and piece workers. "Under 10 cents" covers minors between 14 and 16 years of age, employed at the request of parents or the bureau of charities.

Labor statistics—Chicago plant.

Number male employees	6,446
Number female employees	854
Total	7,300
	Per cent.
Male employees	88
Female employees	12
Male employees married	60
Female employees married	11
Female employees living home	63
Female employees living in boarding houses	37
Per cent employees working 6 months or over	80

NOTE.—The above was an actual check made among the employees for one day at the packing house.

Statement showing average number employees, total amount earned, and average amount per week for 8 weeks ending Mar. 6, 1915, and 10 weeks ending Oct. 31, 1914—Chicago plant.

[This includes males and females, adults and minors.]

HOG KILLING.

Period ending Oct. 31, 1914.		Period ending Mar. 6, 1915.	
Average number of employees	347	Average number of employees	547
Total earned, 10 weeks	$32,905.76	Total earned, 8 weeks	$48,398.56
Average each employee:		Average each employee:	
10 weeks	94.84	8 weeks	88.48
1 week	9.48	1 week	11.06

HOG CUTTING.

Average number of employees	177	Average number of employees	237
Total earned, 10 weeks	$17,317.30	Total earned, 8 weeks	$23,732.78
Average each employee:		Average each employee:	
10 weeks	97.84	8 weeks	100.14
1 week	9.78	1 week	12.52

CATTLE KILLING.

Average number of employees	282	Average number of employees	287
Total earned, 10 weeks	$32,884.42	Total earned, 8 weeks	$26,159.95
Average each employee:		Average each employee:	
10 weeks	116.62	8 weeks	91.15
1 week	11.66	1 week	11.39

SHEEP KILLING.

Average number of employees	244	Average number of employees	198
Total earned, 10 weeks	$26,271.44	Tota learned, 8 weeks	$14,972.34
Average each employee:		Average each employee:	
10 weeks	107.68	8 weeks	75.62
1 week	10.77	1 week	9.85

CANNING ROOM.

Average number of employees	800	Average number of employees	626
Total earned, 10 weeks	$94,893.01	Total earned, 8 weeks	$46,449.88
Average each employee:		Average each employee:	
10 weeks	118.62	8 weeks	74.20
1 week	11.86	1 week	9.28

SAUSAGE ROOM.

Average number of employees	435	Average number of employees	484
Total earned, 10 weeks	$44,963.34	Total earned, 8 weeks	$43,028.99
Average each employee:		Average each employee:	
10 weeks	103.37	8 weeks	89.90
1 week	10.34	1 week	11.24

Statement showing average number employees, total amount earned, etc.—Contd.

CURING DEPARTMENTS.

Period ending Oct. 31, 1914.		Period ending Mar. 6, 1915.	
Average number of employees	371	Average number of employees	473
Total earned, 10 weeks	$42,669.01	Total earned, 8 weeks	$48,733.39
Average each employee:		Average each employee:	
10 weeks	115.01	8 weeks	103.04
1 week	11.50	1 week	12.88

MECHANICAL DEPARTMENTS.

Average number of employees	718	Average number of employees	705
Total earned, 10 weeks	$99,702.40	Total earned, 8 weeks	$81,127.25
Average each employee:		Average each employee:	
10 weeks	138.86	8 weeks	115.07
1 week	13.89	1 week	14.38

For period ending Oct. 31, 1914, the canning room average number of employees was 800, of which 349 were female, adults and minors, and 23 boys under 21 years.

For period ending Mar. 6, 1915, out of an average of 626 employees there were 310 female, adults and minors, and 23 boys under 21 years of age.

For period ending Oct. 31, 1914, the sausage department average number of employees was 435, of which there were approximately 150 females, adults and minors, and 20 boys, door tenders, etc.

For period ending Mar. 6, 1915, of an average number of 484 employees, 165 were females, adults and minors, and 24 boys, door tenders, etc.

Statement showing number and percentage, at various rates, in packing houses.

[Males—Minors and adults.]

	Chicago.		Kansas City.		South Omaha.		St. Louis.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 17½	94	1.32	53	1.73	55	3.90	.....	.....
17½ and less than 20	4,030	56.37	1,451	46.80	554	39.60	574	45.91
20 and less than 25	1,690	23.63	861	27.76	612	43.70	518	41.41
25 and less than 30	739	10.33	528	17.02	113	8.10	61	4.91
30 and less than 40	518	7.17	169	5.45	52	3.70	80	6.38
40 and up	84	1.18	38	1.24	14	1.00	17	1.39
Total	7,150	.....	3,100	.....	1,400	.....	1,250	.....

	Fort Worth.		Sioux City.		St. Joseph.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 17½	95	7.58	34	4.00	13	1.90	344	2.19
17½ and less than 20	782	62.57	365	43.00	314	46.15	8,070	51.47
20 and less than 25	216	17.28	280	33.00	232	34.05	4,409	28.12
25 and less than 30	106	8.50	94	11.00	60	8.85	1,701	10.85
30 and less than 40	34	2.68	60	7.00	41	6.05	949	6.05
40 and up	17	1.39	17	2.00	20	3.00	207	1.32
Total	1,250	.....	850	.....	680	.....	15,680	.....

NOTE.—The above does not include what may be termed "steady-time" men, foremen, clerks or office employees, or any portion of the executive end of the organization. It includes old-time, disabled employees unfit for ordinary physical laboring work at the present time, who are now employed as doormen, janitors, and other light occupations.

Statement showing number of hours worked during four weeks' period, and average number of hours per week, and estimated number of men in each gang.

	Hog killing.	Cattle killing.	Pork cutting.	Sheep killing.
Period Oct. 4 to 31, inclusive, 1914.....hours..	170	200	174	178
Average per week for above period.....do....	42.5	50	43	44.5
Period Mar. 1 to 27, inclusive, 1915.....do....	172	185	178	146
Average per week for above period.....do....	43	46	45	37
Estimated number in gang (2 periods).....	350	280	175	245
Estimated number on clean up, etc.....	[1] 80	100	[1] 40	117

[1] 2½ hours each.

NOTE.—This statement does not include a number of men who remain after "gang time" for the purpose of cleaning up the department, caring for the product, and doing such other work as may be required to finish up the work in the department and leave it in condition, ready to start next morning.

During both the periods above mentioned the quarantine, on account of the hoof-and-mouth scare, has restricted the receipts of live stock. Receipts were very ununiform, and it was somewhat harder than any other time of the year to adjust the gang to what we term good working conditions.

Statement showing number of hours worked during four weeks' period and average number of hours per week in departments mentioned.

	Mechanical department.	Canning.	Sausage.	Curing.
Period Oct. 4 to 31, inclusive, 1914.....hours..	240	281	246	248
Average per week for above period.....do....	60	70	62	62
Period Mar. 1 to 27, 1915, inclusive.....do....	240	202	247	274
Average per week for above period.....do....	60	50	62	68

Recapitulation showing total number of male and female employees at all armor plants and branch houses for year 1914.

	Operating.		Executive.		Total male.	Total female.	Grand total.
	Male.	Female.	Male.	Female.			
Chicago	7,150	850	1,000	150	8,150	1,000	9,150
Kansas City	3,100	300	340	10	3,440	310	3,750
South Omaha	1,400	150	190	20	1,590	170	1,176
East St. Louis	1,250	200	200	5	1,450	205	1,655
Fort Worth	1,250	150	95	15	1,345	165	1,510
Sioux City	850	50	40	5	890	55	945
South St. Joseph	680	30	30	5	710	35	745
Denver	200	20	20	5	220	25	245
New York	350	.....	60	5	410	5	415
Jersey City	205	10	30	.....	235	10	245
All branch houses	2,000	5	3,300	65	5,300	70	5,370
Total	18,435	1,765	5,305	285	23,740	2,050	25,790

Average hours worked weekly in year 1914.

	Percentage of employees.		Percentage of employees.
40 to 44 hours	4.40	60 to 64 hours	39.20
45 to 49 hours	18.00	65 to 69 hours	7.80
50 to 54 hours	13.30	70 to 74 hours	3.10
55 to 59 hours	13.40	75 to 84 hours	.80
		Total	100.00

NOTE.—The above was arrived at by taking the actual "gang time" worked on the killing gang and the average time for the entire gang on the balance of the gangs throughout the house.

It must be understood that there is no gang in the entire packing plant that stops as a unit; in other words, a large portion of the skilled men go home at what is called "gang time," the balance of the men who stay doing such other work as can not be taken care of during the working hours, and which must be done at the close of work each day.

No females work over 10 hours per day.

Recapitulation of nationality report of all packing-house employees, showing number of employees and percentage of each nationality.

Nationality.	Chicago.	Kansas City.	Omaha.	St. Louis.	Fort Worth.	Sioux City.
American	880	940	370	345	660	215
Irish	850	85	75	35	.....	30
English	100	80	10	5	5	15
Scotch	65	.....	5	.....	.....	5
German	760	200	90	55	50	55
Polish	2,550	200	180	265	30	80
Swedish	80	.....	20	.....	10	15
Bohemian	225	.....	190	70	60	5
Lithuanian	1,800	.....	90	120	.....	180
Russian	160	200	5	40	85	115
Austrian	.....	610	.....	60	.....	.....
Slavonian	150	90	140	165	20	.....
Mexican	.....	.....	.....	.....	100	.....
Croatian	.....	200	.....	.....	10	.....
Colored	220	375	90	265	205	10
Italian	.....	150	.....	.....	10	.....
Belgian	.....	.....	90	.....	.....	.....
Greek	.....	.....	.....	10	60	.....
Miscellaneous	160	270	195	15	95	175
Total	8,000	3,400	1,550	1,450	1,400	900

Nationality.	St. Joseph.	Denver.	New York.	Jersey City.	Total.	Per cent.
American	285	65	105	105	3,970	21.84
Irish	20	25	15	20	1,155	6.35
English	5	.....	5	.....	225	1.23
Scotch	.....	.....	.....	5	80	.44
German	60	65	50	20	1,405	7.72
Polish	75	10	65	50	3,505	19.26
Swedish	.....	15	.....	5	145	.80
Bohemian	15	.....	5	.....	570	3.13
Lithuanian	10	.....	.....	.....	2,200	12.09
Russian	140	5	45	.....	795	4.37
Austrian	.....	20	55	.....	745	4.09
Slavonian	10	.....	.....	.....	575	3.16
Mexican	.....	.....	.....	.....	100	.55
Croatian	.....	.....	.....	.....	210	1.15
Colored	25	.....	.....	.....	1,190	6.54
Italian	.....	.....	.....	.....	160	.87
Belgian	.....	.....	.....	.....	90	.49
Greek	.....	.....	.....	.....	70	.38
Miscellaneous	65	15	5	10	1,005	5.52
Total	710	220	350	215	18,195	100.00

NOTE.—The above statement includes all male and female help at all packing houses. Miscellaneous item includes all notionalities not shown above and which individually figure under one-half of 1 per cent.

RECAPITULATION OF CLASSES.

	Number.	Per cent.
Total English speaking	6,620	36.38
Total German, Bohemian, and Belgian	2,065	11.35
Total Polish and Slovak	4,290	23.56
Total Lithuanian, Austrian, and Russian	3,740	20.60
Total all other	1,480	8.16
Grand total	18,195	100.00

Recapitulation of nationality report, showing percentage of classes, all packing houses included.

	Chicago.		Kansas City.		South Omaha.		St. Louis.		Fort Worth.		Sioux City.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
English speaking	2,115	26.44	1,480	43.52	550	35.48	650	44.83	870	62.14	275	30.56
German, Bohemian, and Belgian	985	12.31	200	5.88	370	23.87	125	8.62	110	7.86	60	6 67
Polish and Slovak	2,700	33.75	290	8.53	320	20.65	430	29.66	60	4.29	80	8.89
Lithuanians, Austrians, and Russians	1,960	24.5	1,010	29.71	95	6.13	220	15.17	85	6.07	295	32.78
All other	240	3.00	420	12.35	215	13.87	25	1.72	275	19.64	190	21.10
Total	8,000	.....	3,400	.....	1,550	.....	1,450	.....	1,400	.....	900	.....

	St. Joseph.		Denver.		New York.		Jersey City.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
English speaking	335	47.18	90	40.91	125	35.71	130	60.47	6,620	36.38
German, Bohemian, and Belgian	75	10.56	65	29.55	55	15.71	20	9.30	2,065	11.35
Polish and Slovak	85	11.97	10	4.54	65	18.57	50	23.26	4,295	23.56
Lithuanians, Austrians, and Russians	150	21.13	25	11.36	100	28.58	.....	.....	3,740	20.60
All other	65	9.16	30	13.64	5	1.43	15	6.97	1,480	8.11
Total	710	.....	220	.....	350	.....	215	.....	18,195	.....

CONDITIONS OF EMPLOYMENT OF WAITERS AND COOKS

3533

COMMISSION ON INDUSTRIAL RELATIONS.

CHICAGO, ILL., *Friday, April 16, 1915—2 p. m.*

Present: Acting Chairman Lennon; Commissioners Aishton, Garretson, and O'Connell.

TESTIMONY OF MR. FRED EBELING.

Acting Chairman LENNON. Give your name, please.

Mr. EBELING. Fred Ebeling.

Acting Chairman LENNON. What is your business?

Mr. EBELING. Financial secretary and business secretary of the cooks' union.

Acting Chairman LENNON. Have you followed that business for a number of years?

Mr. EBELING. Yes, sir.

Acting Chairman LENNON. For how many years?

Mr. EBELING. For about 20 years.

Acting Chairman LENNON. I understand from Mr. West, who worked up this hearing largely, that you have a special matter that you desire to submit to the commission regarding something that has to do with the condition of the waiters and the cooks?

Mr. EBELING. Yes, sir.

Acting Chairman LENNON. Will you please proceed and tell your story just as you desire to tell it?

Mr. EBELING. The conditions surrounding the procuring of employment by our people.

Acting Chairman LENNON. That is, the cooks?

Mr. EBELING. The waiters and cooks. The large employers, such as hotels and restaurants, instead of sending to the organization for their help, send down to saloons; and as the jobs get into the saloons the employees are forced to go into these saloons and stand around in there all day long and sometimes for weeks and sometimes all winter looking for jobs, because the jobs get into these saloons, and naturally the people that do the most drinking and are in the best standing with the saloon keepers, they get preference for the jobs, while the people that don't drink so much can stand around and never get any work; they have a hard time to get work.

We have gone to the different authorities, to the State's attorneys and to the mayor, but there is no relief; we can not get any redress. That condition has existed for years and years. We have held mass meetings at different times, and at one time we suceeded in putting one man out of business by getting the men away from there temporarily, but they are driven to other places, so it was just shifting from one saloon to another.

Acting Chairman LENNON. Can't you apply to the chefs—to the cooks—for employment or to the head waiter? Do you have to go to these saloons?

Mr. EBELING. They tell us when they want anyone they will go down to a certain saloon and employ him there.

Acting Chairman LENNON. They direct you to go to the saloon?

Mr. EBELING. Yes.

Acting Chairman LENNON. Do you have to pay anything directly to the saloons for this service besides patronizing them? Do you pay them any particular amounts?

Mr. EBELING. No; they don't. The State law prohibits that, and we have no evidence that such is the case; they are very careful about that.

Acting Chairman LENNON. What effect does such a system have upon the welfare of the waiters and cooks, upon their morals and upon their living conditions as citizens and men, etc.?

Mr. EBELING. It is one of the worst evils we have to contend with in the industry; it is very bad; it causes the breaking up of homes; it causes people that are drinkers, who are able to drink, to be able to get jobs at any time, and others who do not drink, they do not get the work and it is hard for them to get the jobs. They have, to a great extent, to depend upon employment agencies, and they charge a large fee.

Acting Chairman LENNON. Does that system you speak of prevail in other cities or do you know about that?

Mr. EBELING. About two years ago there was a campaign; I read in our official journal of a campaign of the same nature carried on in the city of New York by our international union to try to break it up down there, but how far it exists I do not know at the present time.

Acing Chairman LENNON. Do you desire to submit anything more, Mr. Ebeling?

Mr. EBELING. I might say that we have gone to the restaurant keepers' association about this matter and presented the matter and they refused to meet us on the proposition; they would not do anything about it. The officials of the Chicago Federation of Labor and the Illinois State Federation of Labor went with us to meet with John Vogelzank, and if we went to places like the Bismark and put the proposition before them they say they are unable to do anything about it; that they have to go and see Vogelzank; and Vogelzank says they refuse to meet us on the proposition.

Commissioner AISHTON. There are employment agencies, are there not, in the city of Chicago for cooks and waiters?

Mr. EBELING. Yes. The union itself never charges either party for the job and we try to fit the men to their proper places, and there are other organizations that are not unions that try to do the same thing, but the employers, in spite of that, will go to the saloons and get their help there.

Commissioner AISHTON. If they all go to the saloons there would not be any opportunity for the employment agency to do business, would there?

Mr. EBELING. There are employment agencies which are practically just as bad; however, they don't do as much business as the saloons.

Commissioner AISHTON. That are just as bad as the saloons?

Mr. EBELING. They charge all the way up to $25 for getting a job; their average charge is 10 per cent of the month's salary.

Commissioner AISHTON. There is no debasing moral influence like that of liquor or anything of that kind?

Mr. EBELING. No.

Acting Chairman LENNON. I think that is all, Mr. Ebeling; you will be excused.

With this the hearing of the commission at this time in Chicago will close; we thank the public for its attention.

(Whereupon on this Friday, April 16, 1915, at 3 o'clock p. m., the commission adjourned sine die.)

INDUSTRIAL CONDITIONS AND RELATIONS IN THE GOLD MINING OPERATIONS AT LEAD AND BLACK HILLS, SOUTH DAKOTA

(For exhibits under this subject see pages 3659 to 3679)

COMMISSION ON INDUSTRIAL RELATIONS.

LEAD, S. DAK., *Monday, August 3, 1914—9 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, Lennon, and O'Connell.

Acting Chairman COMMONS. The commission will please come to order.

I should like to say to the witnesses and others that unavoidably some members of the commission and counsel of the commission were prevented from coming at the last moment on account of the war in Europe. Business complications kept them at home.

I have been selected to act temporarily as chairman, in the absence of the chairman, and also as counsel.

Regarding the investigation which Congress has required this commission to make, I would explain that the authorizing act requires us mainly to discover the underlying causes of industrial unrest, meaning by that mainly the relations of employers and employees in all the various lines in which they have dealings with each other in the community and the interests of the public in these relations. The commission is required to make recommendations to Congress for such legislation or such action as the commission determines would be advisable upon the basis of the facts which it discovers and upon the basis of the suggestions or recommendations which its witnesses offer.

I will say also that the witnesses will not be placed under oath. This is an informal investigation, endeavoring to come at the facts, the greater underlying principles and facts, and we expect to secure here such information as is possible regarding the mining situation in this district.

I will call upon Mr. Grier as the first witness. Will you take this chair, Mr. Grier?

TESTIMONY OF MR. THOMAS J. GRIER.

Acting Chairman COMMONS. Mr. Grier, will you give the reporter your name, residence, and position?

Mr. GRIER. Thomas J. Grier, superintendent of the Homestake Mining Co., Lead, S. Dak.

Acting Chairman COMMONS. Your position, Mr. Grier, is that of superintendent. What is meant by that position, what is your relation to the company on the one side and to the employees on the other?

Mr. GRIER. In my official capacity I have charge of all the company's property hereabouts, and am charged with directing the operations of the property.

Acting Chairman COMMONS. You are superintendent of the Homestake Mining Co.; that is the name of the company, is it?

Mr. GRIER. Yes, sir; that is the corporate title.

Acting Chairman COMMONS. Is that a company chartered under the laws of South Dakota?

Mr. GRIER. It is organized under the laws of California.

Acting Chairman COMMONS. What year was it organized—well, just about?

Mr. GRIER. I think 1878; possibly 1877.

Acting Chairman COMMONS. Are you a member of the board of directors of the company?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Who is the president of the company?

Mr. GRIER. James B. Haggin.

Acting Chairman COMMONS. Where is his address?

Mr. GRIER. His office is at 15 Broad Street, New York.

Acting Chairman COMMONS. And who are your directors?

Mr. GRIER. James B. Haggin, Frank G. Drum, Edward H. Clark, Richard Clark—I don't recall the names of one or two others.

Acting Chairman COMMONS. Where are your annual meetings held?

Mr. GRIER. In San Francisco.

Acting Chairman COMMONS. What is the capital stock of your company?

Mr. GRIER. I think $25,116,000, divided into 250,160 shares of the par value of $100 per share.

Acting Chairman COMMONS. Who are the principal stockholders of the company?

Mr. GRIER. As far as my knowledge goes, Mrs. Phoebe Hearst, of Pleasanton, Cal., is the largest individual shareholder; Mr. James B. Haggin, of New York, next. I think the Tevis estate——

Acting Chairman COMMONS. What estate?

Mr. GRIER. T-e-v-i-s, of San Francisco.

Acting Chairman COMMONS. Do you know what number of shares Mrs. Hearst holds?

Mr. GRIER. I do not.

Acting Chairman COMMONS. Nor Mr. Haggin?

Mr. GRIER. I do not. I think that Mrs. Hearst, Mr. Haggin, and the Tevis estate own the majority.

Acting Chairman COMMONS. Is this stock listed on any of the exchanges?

Mr. GRIER. It is; on the New York Exchange.

Acting Chairman COMMONS. And are there sales recorded there that you know of?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is there a very active market—dealings in the shares?

Mr. GRIER. No; decidedly the other way.

Acting Chairman COMMONS. It is practically held by those interests that you have named for their own investment purposes?

Mr. GRIER. Yes, sir. There are, I think, a thousand other stockholders.

Acting Chairman COMMONS. Could you give an idea of where those stockholders are located? In this district or outside?

Mr. GRIER. I think there are about 15,000 shares held in South Dakota, and more than one-half of that is held in Lead City; a goodly number of shares is held in Deadwood, and quite a number of stockholders throughout the city—Sioux Falls, Aberdeen, Spearfish, Rapid City, and various other places throughout the State.

Acting Chairman COMMONS. Does the company have a system of selling shares to its employees?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Those who have purchased have simply purchased for investment purposes?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Do employees hold shares to any extent, to your knowledge?

Mr. GRIER. A great many of them do.

Acting Chairman COMMONS. What grade of employees—superintendents, foremen, miners, or laborers?

Mr. GRIER. I think all departments of the service are represented in the stockholdings excepting the superintendent.

Acting Chairman COMMONS. Are there any bonds outstanding?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. What were the dividends declared last year—the last fiscal year—what per cent of dividends was declared?

Mr. GRIER. I think it was very early last spring that the dividend was increased from 50 cents to 65 and has continued at that figure ever since.

Acting Chairman COMMONS. Is that the annual or semiannual?

Mr. GRIER. That is monthly—65 cents per share per month.

Acting Chairman COMMONS. And then beginning last April that has been 65 cents a month?

Mr. GRIER. I would not say April. I rather think it was February or March.

Acting Chairman COMMONS. A year ago?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And that would be at what rate per year—12 times 65, would it not?

Mr. GRIER. Twelve times 65.

Acting Chairman COMMONS. About 7½ per cent?
Mr. GRIER. Seven and eight-tenths, wouldn't it?
Acting Chairman COMMONS. Seven and eight-tenths.
Mr. GRIER. Twelve times 65.
Acting Chairman COMMONS. And on twenty-one million what would that amount to, the total dividends distributed last year at that rate?
Mr. GRIER. Well, it is a matter easily to compute. Not being a stockholder, I haven't paid any attention to the market price of the stock and the percentage paid in dividends.
Acting Chairman COMMONS. Will you, Mr. Grier, tell us what are the holdings of the company in this district and the area covered and the nature of the holdings?
Mr. GRIER. I was looking for an engineer. I don't think I could be very accurate in recalling the acreage. It is quite large in mineral lands, quite large in timber lands, and not a very great acreage along two or three creeks.
Acting Chairman COMMONS. Does your company, in addition to these real estate holdings, mining holdings, does it own the stock of any corporation or parts of the stocks of any corporations?
Mr. YATES. I have the figures here in the book in regard to the acreage.
Mr. GRIER. All right, I would like to give it accurately, if you please.
Mr. YATES. This is March 1, 1913.
Mr. GRIER. Would you like me to incorporate that now?
Acting Chairman COMMONS. Yes, if you will.
Mr. GRIER. Mining claims, 3,723; timber lands, 18,376; water lands, 2,315; right-of-way lands, 14 acres, as of March 1, 1913.
Acting Chairman COMMONS. Those are all in acres?
Mr. GRIER. Yes, sir; acres. That is a little over a year ago. Purchases since then have not been very great.
Acting Chairman COMMONS. Are these held in fee—absolute title?
Mr. GRIER. Yes, sir.
Acting Chairman COMMONS. They are not leased?
Mr. GRIER. All patented and owned by the Homestake Mining Co.
Acting Chairman COMMONS. So that this company was formed by—its operation consisted in buying up these various claims you have mentioned. There is where its capital is invested?
Mr. GRIER. Yes, sir. The original purchases of the company were made in the spring of 1878 and consisted of the Homestake lode location and Golden Star lode location, aggregating perhaps 15 acres, and from that start the company has been buying from time to time ever since.
Acting Chairman COMMONS. Does the company hold the stock of any other corporation, any other mining corporation?
Mr. GRIER. No, sir.
Acting Chairman COMMONS. Does it own outright its waterworks—water supply?
Mr. GRIER. Yes, sir.
Acting Chairman COMMONS. And the timber?
Mr. GRIER. Fee title to it all.
Acting Chairman COMMONS. Does the company pay a selling department or agent in New York?
Mr. GRIER. Selling agent?
Acting Chairman COMMONS. Yes; how is your product sold?
Mr. GRIER. Oh, its bullion product is shipped to one of its bankers in New York City, by the bank turned over to the United States assay office, and after melting and deducting their charges a check is given to the treasurer of the mining company by the assay office for the value of the bullion.
Acting Chairman COMMONS. Who is the treasurer of the company?
Mr. GRIER. James B. Haggin.
Acting Chairman COMMONS. In New York?
Mr. GRIER. New York.
Acting Chairman COMMONS. Can you give us, in the last fiscal year, the operating expenses—total operating expenses of the company? Have you a financial statement we could have?
Mr. GRIER (addressing Mr. Chambers Keller). Could you get an annual report?
Mr. KELLER. Mr. Chairman, yes; it will probably facilitate.
Acting Chairman COMMONS. Yes; if you could get that.

Will you state the organization of your force of which you have direct charge? You have an assistant superintendent and on down the line. We would like to get the method of organization and responsibility.

Mr. GRIER. The administration is in the hands of a superintendent and assistant superintendent. There is a mining department with a general foreman, several assistant general foremen, about 30 shift bosses, and about 1,100 men working in various capacities.

Acting Chairman COMMONS. That is in the mining department?

Mr. GRIER. That is the mining department.

Acting Chairman COMMONS. That is what you call the underground force?

Mr. GRIER. Yes.

The metallurgical department, and chief metallurgist and assistant, various assistants in his office. The company operates six stamp mills, has a foreman at each mill, a head amalgamator in each mill. I would like to correct that statement as to foreman. It has not a foreman at each mill. In Lead, one foreman takes care of three mills, but there is a head amalgamator in each mill.

The secondary treatment consists of one regrinding plant, two sand plants, and one slime plant, a foreman at each one of those places, but all under the direction of the chief metallurgist.

Acting Chairman COMMONS. How many employees in this metallurgical department?

Mr. GRIER. Well, the chief metallurgist and his assistant have half a dozen or more men who do the laboratory work and assist them in making determinations from day to day.

Acting Chairman COMMONS. Well, is the operating force under his direction or under the direction of the superintendent?

Mr. GRIER. Well, of course, the whole works is under the direction of the superintendent, but the head of each department is charged with looking after the details of it and is always in consultation with the superintendent.

Acting Chairman COMMONS. What I was getting at is on the underground works. Do you have a general foreman in charge of all the underground work?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And in the stamping mill, do you have a general foreman in charge of all surface work?

Mr. GRIER. Well, the foreman of the stamp mills takes orders from the chief metallurgist direct. The mechanical department is supervised by a master mechanic. That department embraces the drill-sharpening shop, the machine shop, the blacksmith shop, the pattern shop, and the foundry; and, in turn, all of these places have a shop foreman.

The engineering department is directed by the chief engineer, who has a staff to assist him sufficient to take care of that part of the business; the electrical department is supervised by the chief electrician, with a sufficient number of assistants to help him; the timber lands and sawmills are under the direction of a head, with a sufficient force, of course, to carry on his work. And so on through all the various departments into which the operations of the company are divided, with a head to each. I can fill in the other directors now.

Acting Chairman COMMONS. Suppose you check that up after we finish.

Mr. GRIER. Very well.

Acting Chairman COMMONS. As to the employment department, is that something separate, or how?

Mr. GRIER. Excuse me, I forgot that. The employment department has a head, and sufficient help to enable him to conduct that part of the business.

Acting Chairman COMMONS. This department, then, does all the employing and discharging of men—the employment department?

Mr. GRIER. The employment department is charged with the responsibility of employing the operatives needed in all departments of the service, but he does not dismiss them.

Acting Chairman COMMONS. By all departments, do you mean these you have gone over, mining, metallurgy, timber, and electrical?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Up to what grade—he does not employ foremen?

Mr. GRIER. Well, he does not pass finally on foremen.

Acting Chairman COMMONS. He passes finally on miners and helpers and laborers?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And all below foremen?

Mr. GRIER. No, sir; not all below foremen. I should say all below shift bosses.

Acting Chairman COMMONS. I see. All below shift bosses. How many employees, then, are under his control in the sense of employing them?

Mr. GRIER. Oh, about two thousand.

Acting Chairman COMMONS. Does he have control over those that are in the stamp mills, too, as well as under the shift bosses, he hires them also?

Mr. GRIER. He does; but I ought to say that he does not pass arbitrarily on the employment of anybody. He employs a man for any department of the service with, I might almost say, the advice and consent of the immediate boss above.

Acting Chairman COMMONS. Does that mean the shift boss?

Mr. GRIER. Yes; it is all done by consultation. All applications for employment are made at the employment office, and, to a large extent, he does pass upon all of the men under the shift bosses, but makes a point to consult with the men in authority who have supervision over the men that he sends to them to work.

Acting Chairman COMMONS. Then, you have besides that a hospital department, do you not, or medical department?

Mr. GRIER. Yes.

Acting Chairman COMMONS. What is the organization in that department?

Mr. GRIER. The hospital department is presided over by a chief surgeon and physician, with a half dozen assistants, a half dozen nurses, and other help about the hospital necessary to conduct it in a proper manner so that the greatest service and best service possible may be given to the operating force of the company.

Acting Chairman COMMONS. Is this considered as a regular department of the company's work, or is it done by contract?

Mr. GRIER. It is a regular department of the service. The expense of maintenance is paid by the Homestake Co., and there is no charge of any kind or character made against the employees for either doctor's services, nurses' services, or medicine.

Acting Chairman COMMONS. And the salaries of the doctors and nurses come from the company?

Mr. GRIER. Come from the Homestake Co.'s office.

Acting Chairman COMMONS. Well, you have in addition to that a recreation department?

Mr. GRIER. We have a recreation building which is just being put into commission, where there is located a free library, and game tables, and plunge and shower baths. The intention is to put in everything that will contribute to the pleasure and comfort and happiness of the operating force of the company.

Acting Chairman COMMONS. The company finances that out of its funds?

Mr. GRIER. That is free, not only to the operating force of the mining company, but to the people of Lead and to the people of Lawrence County and to the people of South Dakota.

Acting Chairman COMMONS. And the staff of that department are on the——

Mr. GRIER. Homestake pay roll.

Acting Chairman COMMONS. On the Homestake pay roll?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Is that true of the library?

Mr. GRIER. The library is free in every way, shape, and form to all comers, whether they are employees or not, but is maintained by Mrs. Hearst and has been for 20 years.

Acting Chairman COMMONS. That is separate from the company then?

Mr. GRIER. Yes.

Acting Chairman COMMONS. The company furnishes free quarters for the library?

Mr. GRIER. The library has just within the past week been moved into the recreation building to furnish the necessary room for the library.

Acting Chairman COMMONS. Then, you have a kindergarten; what is that?

Mr. GRIER. The kindergarten is free in every way, shape, and form to all who choose to send their children there; and it is maintained by Mrs. Hearst.

Acting Chairman COMMONS. And is not on the company's pay roll?

Mr. GRIER. No; there is a staff of teachers, who are regular graduates of a kindergarten college, with a matron and manservant to help take care of the children.

Acting Chairman COMMONS. You have, of course, a legal department?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What is the force or staff of the legal department?

Mr. GRIER. The legal department of the company is presided over by Mr. Keller. He has associated with him a partner, but I do not know anything about the terms of his partnership. Mr. Keller personally attends to the legal work of the company.

Acting Chairman COMMONS. What is your detective force that you have?

Mr. GRIER. Well, we have not very much of a detective force. We have one man who has been with the company for a great many years; originally started as a bullion guard; goes along when money is transported to the wood camp or the sawmill, and in his leisure time, if he sees anything of interest to the company, he notes it.

Acting Chairman COMMONS. Does he report on employees?

Mr. GRIER. He does.

Acting Chairman COMMONS. How much of a force does he have?

Mr. GRIER. Well, so far as the detective work is concerned, I do not think he has anybody. Oh, we have half a dozen or more special watchmen that are under him—night watchmen.

Acting Chairman COMMONS. Is your detective force commissioned as county or city officers? Do they carry a State commission in addition to being employed by the company? Are they deputy sheriffs?

Mr. GRIER. I was just thinking—I think Mr. Northern has a deputy sheriffship. I know he did have; I don't know whether he has now or not. As to the city, I don't know whether he has any authority from the city or not.

Acting Chairman COMMONS. He can arrest men without a warrant?

Mr. GRIER. Well, I never knew it if he can.

Acting Chairman COMMONS. How?

Mr. GRIER. I never knew it if he can.

Acting Chairman COMMONS. Presumably he could not unless he had a deputy sheriffship?

Mr. GRIER. If he had a deputy sheriffship he could do what the law will allow him to do as deputy sheriff.

Acting Chairman COMMONS. Does the company have company houses, dwelling houses and residences, which it owns and rents?

Mr. GRIER. I don't think the company has a house that it rents, unless it is a house rented by my father-in-law, and he pays $40 a month. It owns a few houses, however, that are occupied, but no rent is charged. Mr. Keller's chauffeur occupies a house belonging to the company. A very few houses, probably a half dozen, came into the ownership of the company with the ground that they bought and upon which the houses are located. I don't recall that the company has a house that it charges rent for except this one.

Acting Chairman COMMONS. These that the company did secure, they came into the possession of the company in what way, do you mean?

Mr. GRIER. Well, when the company bought a mineral claim or two, oftentimes there would be a house on it, and, of course, the houses went with the claim.

I would like to ask Mr. Yates or Mr. Blackstone, do you know of any houses that the company rents?

Mr. MURRIN. I know of two that were acquired in the way in which you state.

Mr. GRIER. There may be two or three, but that is all.

Acting Chairman COMMONS. What is the relation of the company to the Hearst Mercantile Co.? There is no relationship financially?

Mr. GRIER. None; no, sir. The Hearst Mercantile Co. is owned by Mrs. Hearst. The corporation grew out of a store built by Mr. Hearst during the winter of 1878–79, and was run in his name until about 1892, when it was incorporated, and this was immediately after Senator Hearst's death, and is now owned by his widow and heirs.

Acting Chairman COMMONS. What is the capital stock?

Mr. GRIER. Three hundred thousand dollars.

Acting Chairman COMMONS. Where is it incorporated—in this State or in California?

Mr. GRIER. In this State.

Acting Chairman COMMONS It is a South Dakota corporation?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What is the relation of the company to the aid association? Is that a department of the company's work, or what is the relationship?

Mr. GRIER. I suppose it might be regarded as a department. It was organized about three years ago, I think. The employees of the company contribute $1 a month to the fund, and the Homestake Mining Co. contributes $1,000 a month and administers the fund without any charge of any kind or character, under the direction of a board of directors, elected annually by the employees of the company.

Acting Chairman COMMONS. What is the connection with the hospital?

Mr. GRIER. The benefits paid by the aid association are, of course, paid to aid those who are suffering from sickness due to natural causes or due to accident, and it also pays a death benefit due to natural causes or due to accident. Aid benefits paid on account of sickness from natural causes begin six days after the illness, and benefits paid on account of disability due to accident begin on the day of the accident. Necessarily the relationship between the aid fund and the hospital is close, because the hospital passes on the nature of the illness and the date upon which the aid begins and ends. One of the board of directors is from the hospital department, one from the mining department, one from the metallurgical department, and one from the mechanical department, and one from the surface.

Acting Chairman COMMONS. The surface?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And these directors are elected by each of these departments. Is that the idea?

Mr. GRIER. Yes, sir; annually, I think, on the first Monday in January, by ballot.

Acting Chairman COMMONS Who is the treasurer of the fund?

Mr. GRIER. I am the treasurer.

Acting Chairman COMMONS. The accounts are kept entirely separate from the company accounts?

Mr. GRIER. Altogether; yes.

Acting Chairman COMMONS. Altogether?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And are any payments made from that fund to the company on any account?

Mr. GRIER. From the aid fund?

Acting Chairman COMMONS. Yes; to the company?

Mr. GRIER. No. I said a moment ago that the company administers the fund without any charge of any kind or character.

Acting Chairman COMMONS. No charge?

Mr. GRIER. Nothing at all.

Acting Chairman COMMONS. And in addition to that furnishes free medical and hospital service?

Mr. GRIER. Furnishes the services of the staff of physicians, the staff of nurses, and also free medicines to all of the employees of the company and to all of those who rely upon those employees for their support and maintenance; that is, the families.

Acting Chairman COMMONS. Who is the secretary or executive officer of the aid association, the one who—you are treasurer—but who is the secretary, the one that draws the checks for the payment of the allowances?

Mr. GRIER. Well, checks are drawn by a bookkeeper who was added to the staff of the Homestake office when the aid fund was organized. It placed or gave to the office staff additional work, and the company employed an extra man to take care of that work.

Acting Chairman COMMONS. So all the accounts go through this clerk's hands?

Mr. GRIER. Yes. The chief of the office is formally secretary of the board of directors and he does a good bit of the work himself, but this extra man in the office draws checks and takes care of the accounts.

Acting Chairman COMMONS. Now, taking up these different departments, what are the names of the individuals who have charge? The general foreman, what is his name?

Mr. GRIER. Of the mine?

Acting Chairman COMMONS. Yes; in the mine department—the general foreman?

Mr. GRIER. The general foreman is Edgar B. Huntley. Mr. O'Brien, who had been foreman for, I think, 16 years, died a few days ago.

Acting Chairman COMMONS. The corresponding position in the stamp mill?

Mr. GRIER. Well, really, the general foreman of all of the milis would be the chief metallurgist, Allen J. Clark.

Acting Chairman COMMONS. Is he in Lead now?

Mr. GRIER. I think so. He was out at Spearfish yesterday, but I think he is back this morning.

Acting Chairman COMMONS. And the head of the employment department?

Mr. GRIER. E. F. Irwin.

Acting Chairman COMMONS. And the hospital department?

Mr. GRIER. The chief surgeon is Dr. J. W. Freeman. At the present he is in Europe. He went there to the congress of surgeons. His first assistant has charge of the department at the present time—Dr. Clough.

Acting Chairman COMMONS. And who has charge of the kindergarten?

Mr. GRIER. Miss Frances Clark.

Acting Chairman COMMONS. And of the aid association—the bookkeeper?

Mr. GRIER. George B. Fogelsong.

Acting Chairman COMMONS. Now, taking up that financial statement, we will return to that, if you please.

Mr. GRIER. I can give you the directors now.

Acting Chairman COMMONS. The directors you have there?

Mr. GRIER. The directory is J. B. Haggin, New York; F. G. Drum, San Francisco; F. Clark, San Francisco; H. L. Tevis, San Francisco; E. H. Clark, New York; Thomas Turner, San Francisco; Richard Clark, San Francisco; president, J. B. Haggin; vice president, F. G. Drum; secretary, Fred Clark; treasurer, J. B. Haggin; chief consulting metallurgist, C. W. Merrill, San Francisco; Chambers Keller, Lead, S. Dak., attorney; superintendent, T. J. Grier, Lead.

Acting Chairman COMMONS. We were considering the operating account.

Mr. GRIER. I think I gave you the capital stock at $251,116, didn't I? That ought to be $251,180. There are several pages here and I will have to add them up.

Acting Chairman COMMONS. Does it give the total operating account?

Mr. GRIER. I don't make up this report, Mr. Chairman. It is made up by the secretary in San Francisco from the statements that are sent to him of receipts and disbursements here at the mine every month.

Acting Chairman COMMONS. Well——

Mr. GRIER. Would you like to have it in the record?

Acting Chairman COMMONS. Yes; can you make that an exhibit?

(The paper so presented was marked "Exhibit No. 1, Witness Grier, August 3, 1914.")

(Grier Exhibit No. 1, pamphlet entitled "Report of the Homestake Mining Co. from January 1 to December 31, 1913," was submitted in printed form.)

Acting Chairman COMMONS. What is the total pay roll of the company, can you give that?

Mr. GRIER. For labor?

Acting Chairman COMMONS. Well, the total for all purposes, all classes—salaries and wages?

Mr. GRIER. I should say, approximately, $225,000 for labor in all departments of the service.

Acting Chairman COMMONS. That includes all pay, but not including the superintendents, I understand?

Mr. GRIER. Yes; it does include them. It includes the salaries of everybody in the service, and I should think it would be just about at this time $225,000 a month. During the summer season ordinarily it is $5,000 or $10,000 a month more than it is in the winter because whatever outside improvements the company is making it tries to do it during the good weather, and I think $225,000 a month is a fair average for the year.

Acting Chairman COMMONS. Then, for the year as a whole, that would come at about what figure?

Commissioner LENNON. $2,700,000.

Acting Chairman COMMONS. $2,700,000 for the entire pay roll.

Going back to the question of the employment office department, what is the policy of the company and what are the wages—wage scale and methods of payment that you employ at the present time?

Mr. GRIER. Regular miners' wages; underground, $3.50 a day for an eight-hour shift; can men and shovelers get $3; timber men get $4; shift bosses get $4, and assistants to the general foreman get $4.50, $5, $6, and $7 a day, but $3 is the lowest for underground operatives.

Acting Chairman COMMONS. Now, above ground in the mills?

Mr. GRIER. In the mills the head amalgamator gets $5 a day, the amalgamators working under him get $3.50 and $4. In the foundry they get $2.50, $2.75, $3, $3.50, $4, and $5. In the machine shop they get from $3 to $5. In the blacksmith shop about the same; in the drill-sharpening shop about the same. In the assay office they get from $100 to $150 a month, and the men in charge $400 to $500 a month.

Acting Chairman COMMONS. That means in the assay department, the metallurgical department?

Mr. GRIER. Well, the metallurgical heads.

Acting Chairman COMMONS. $400 to $500, the chief metallurgist, do you call it?

Mr. GRIER. Metallurgist.

Acting Chairman COMMONS. Gets $500 to——

Mr. GRIER. I am not so sure but what he gets $600. Let me see; yes, $600. The chief metallurgist gets $600 and his assistant $500.

Acting Chairman COMMONS. What are the salaries of the technical force in the other departments, engineering and electrical?

Mr. GRIER. The assistant chief engineer gets $350 a month; others get $250, $225, $125, $115, and $130.

Acting Chairman COMMONS. Does that include the electrical?

Mr. GRIER. The chief electrician gets $240 a month. His first assistant gets $205, and the others get $3, $4, and $5 a day.

Acting Chairman COMMONS. How is it in the hospital service; what are the salaries there?

Mr. GRIER. The chief surgeon gets $500 a month; the first assistant, $300; second, $275; third, $250; fourth, $225.

Acting Chairman COMMONS. What does the kindergarten pay?

Mr. GRIER. The director gets $100 a month; first assistant, $75; second, $65; third, $60; the matron gets $40; fourth assistant—or fifth assistant, I think, gets $50.

Acting Chairman COMMONS. What is the lowest age at which you begin to employ boys or men for any kind of work?

Mr. GRIER. I should think 17 or 18.

Acting Chairman COMMONS. And what kind of work are they put to?

Mr. GRIER. Light, very light work on top of ground mainly to help around the houses. We had applications for boys of more tender years than I have named, but we don't take them; tell them they ought to be at school.

Acting Chairman COMMONS. That is, you place 17 as the lowest age?

Mr. GRIER. I think Mr. Irwin can tell you better than I can.

Acting Chairman COMMONS. What is the lowest age you hire anybody?

Mr. IRWIN. The youngest we have ever had is 16. They are hired temporarily to work during the summer around the mills. Underground, is 18.

Acting Chairman COMMONS. What is the rate of pay of boys that begin at 17 on light work?

Mr. GRIER. What do they get?

Mr. IRWIN. Two dollars and a half on the surface and $3 underground, except one class of work, keeping the screens clean in the mills we pay them a dollar and a half. It is just light work, keeping the chips and débris away from the screens.

Acting Chairman COMMONS. About how many would be employed at that rate, $1.50, at the present time?

Mr. IRWIN. I should judge 15 to 18.

Acting Chairman COMMONS. What is the next step when a boy starts in at that age; then he gets up to 18, when he is promoted to some other class of work? What would be the next class of work he would get and the pay?

Mr. GRIER. You mean underground?

Acting Chairman COMMONS. No; these boys starting in at $1.50, temporarily, cleaning screens, what would be the line of promotion?

Mr. GRIER. Well, naturally the next step would be $2.50, helping on the plates.

Acting Chairman COMMONS. Helping on the plates?

Mr. GRIER. Helping or cleaning the amalgamating plates.

Acting Chairman COMMONS. Ordinarily how long would they be kept at that rate at that work?

Mr. GRIER. Well, they would be kept at it until there is a vacancy, and we have a pretty stable force. These boys that go to work, they don't continue in the service very long. They come in during the summer vacation for three months and they change pretty often.

Acting Chairman COMMONS. Well, they are boys that live in the community?

Mr. GRIER. The policy of the Homestake Co. always has been to give employment to the sons of the old veterans of the company to the fullest extent possible. It gives the preference to Lead boys, who are the sons of men who have been in the service for a great many years. We do not want those boys, as a matter of fact, at that tender age. A mother will come and plead for a month's work or a few months' work, and often gets it in that way.

Acting Chairman COMMONS. Are there any educational requirements that you impose on the boys before you take them in? Must they pass a certain grade in the school?

Mr. GRIER. No.

Acting Chairman COMMONS. Then it is just the age that you take into account?

Mr. GRIER. Educational qualifications in doing that kind of work are really not necessary. We do all we can to encourage boys to go to school, but no educational qualifications are necessary.

Acting Chairman COMMONS. Well, do you recruit a large number—is there an important part of your force recruited right from the mining community here, boys that come in and continue, that the company are advancing to the higher positions?

Mr. GRIER. Oh, yes. If they continue with the company, they are advanced as rapidly as they can be without putting some boy out who is performing his duties. Of course, if you have a stable force of operatives, promotion sometimes is pretty slow.

Acting Chairman COMMONS. These wages that you have given, how long have they been in force, this scale of wages?

Mr. GRIER. In the various departments?

Acting Chairman COMMONS. Yes; have there been changes in recent years, or how far back does that scale run?

Mr. GRIER. The scale for miners, car men, shovelers, carpenters, machinists, foundrymen, and millmen has been in force for 35 years; the wage scale for miners has not been changed since the mine started 35 years ago, nearly 36—in fact, over 36.

Acting Chairman COMMONS. That is, the men who are getting $3.50?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Now, the men that are getting $3, has there been any change in that?

Mr. GRIER. That scale has been unchanged for 35 years.

Acting Chairman COMMONS. The same about as the other?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And the other scale, the lower scale, the $2.50 scale, has there been any change in that?

Mr. GRIER. Well, that has been in effect for the same length of time.

Acting Chairman COMMONS. For the same length of time?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Do you have figures compiled which will show the number of men employed at these several rates of pay?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Could they be furnished to us now?

Mr. GRIER. I have a statement made up once a year which will show just exactly what you call for, Mr. Chairman.

Acting Chairman COMMONS. The number at each rate of pay?

Mr. GRIER. At each rate of wage; yes.

Acting Chairman COMMONS. How long has the schedule regarding hours of labor, which I understood you said is eight hours throughout—how long has that been in effect?

Mr. GRIER. It is eight hours in every department of the service. That has been in effect, I think, for half a dozen years; I don't remember accurately.

Acting Chairman COMMONS. What was it before that time?

Mr. GRIER. Ten hours at the mine.

Acting Chairman COMMONS. Ten hours where?

Mr. GRIER. At the mine.

Acting Chairman COMMONS. That is underground?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Was there any other 10-hour scale, any other 10-hour employment except that underground?

Mr. GRIER. I think at the foundry, machine shop, blacksmith shop, and those places it was 10; in the mills it was 12—two shifts. You understand in the mine while the 10-hour schedule is in effect, that a man does not get to work for from 15 to 45 minutes from the times he leaves the top and goes down to his place of employment. So with a 10-hour schedule it does not mean very much over 8½ hours' work as it may be 10, 15, 20, or 30 minutes before he actually gets to work.

Acting Chairman COMMONS. Take the eight-hour schedule, a man goes to work, when he comes to the shaft to go down, when he goes down, from the times he goes down until he comes up, what time elapses?

Mr. GRIER. That he is at work?

Acting Chairman COMMONS. No; the total time between those two.

Mr. GRIER. The cage starts down at 6.50, we will say, in the evening. The first cage load that goes down, if they are working near the station where they stop, they probably get to their places of employment at 7. If they have to go a long distance and are going down after the first cage load, I do not suppose that they get to work—instead of getting to work at 7, probably it would be a quarter to 8 before the last cage load would get to work. They are not hoisted now for their meal, lunch at night or dinner at noon, as they used to be in the early days here, but they take a half an hour, underground, to eat their meals, and they leave their places of employment from 15 minutes to half an hour before their time is up, so that, as a matter of fact, a man does not work for the company over six and one-half hours and some not over six.

Acting Chairman COMMONS. According to the figures there, it is about eight and one-half hours from the top to the top again, if that is the term you use, from the time they enter the cage until they come out of the cage; it runs about eight and one-half hours?

Mr. GRIER. The last cage; yes.

Acting Chairman COMMONS. And that would be about the average time from the time the men start to go underground until they come out?

Mr. GRIER. Well, perhaps that would be pretty near correct.

Acting Chairman COMMONS. Then out of that you figure that on the average there would be half an hour taken for lunch, which would leave eight hours underground of time available for work?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Now, going to and from his work underground, he takes at the outside an hour and a half; that is, you figure he works six and one-half actual hours?

Mr. GRIER. Yes; I call an hour and a half the outside.

Acting Chairman COMMONS. And the shortest time it would take him to go and come from the work if he was living close by the shaft would be no appreciable time he would lose?

Mr. GRIER. In the aggregate it is a good deal of time because they gather at the shaft in large numbers and wait for the cage to come for them.

Acting Chairman COMMONS. They must be there on time?

Mr. GRIER. It is only necessary for the first cage load to be there when it starts up, say, at 4.30.

Acting Chairman COMMONS. What is the average that they lose short of eight hours' work?

Mr. GRIER. I don't think that the company gets much over six and a half hours.

Acting Chairman COMMONS. On the average?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Six and a half hours would be the maximum; then that could not very well be the average. If the maximum loss is an hour and a half, what would be the average?

Mr. GRIER. I wouldn't hesitate to say seven hours would be the average.

Acting Chairman COMMONS. That they are actually working?

Mr. GRIER. Wherever they are employed.

Acting Chairman COMMONS. On the surface in the mills the time is full time?

Mr. GRIER. The time is practically full time.

Acting Chairman COMMONS. They are working all the time?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Now, underground, what standard have you of determining the amount of work a miner should do during the time he is there the eight hours or seven hours on the average—the amount of it?

Mr. GRIER. You can't very well fix a standard for the reason there are various sorts of machinery used for drilling and some are more efficient than others, and some ground is harder than others, so that yon can't arbitrarily fix the number of feet a man should drill. All that is expected is a man should be reasonably diligent in doing what he can as an honest and fair day's work.

Acting Chairman COMMONS. Each man keeps a record each day of how much he actually drills?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. He makes a report of that to the—to whom does he report; through his boss?

Mr. GRIER. That goes through the boss to the office.

Acting Chairman COMMONS. Are those kept of record?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Can we have a form of the form used for the report that he makes?

Mr. GRIER. Mr. Irwin will, when he gets back with the report I asked for——

Mr. YATES. The engineer's office has the reports

Mr. GRIER. Will you get them, Mr. Yates?

Acting Chairman COMMONS. I mean the individual report each man turns in of the amount of work he has done.

Mr. YATES. A blank form?

Acting Chairman COMMONS. Yes; just a blank form. I take it from what you say that it will be practically impracticable to pay miners by the tonnage of drilling done or anything of that kind?

Mr. GRIER. No; it would not be impracticabe. It is done in some places, but there are people who object to piecework in this country and it has never been insisted upon here.

Acting Chairman COMMONS. You have never had any contract system or piecework contract mining?

Mr. GRIER. Well, a good many years ago the experiment was made of letting a contract to a party of men to mine and stope, paying them so much per ton for the ore delivered at the shaft. But I guess it is 20 years since we had any of that, isn't it?

Mr. YATES. Yes; I think as much as that.

Acting Chairman COMMONS. How long did that practice or experiment continue?

Mr. GRIER. Not very long.

Acting Chairman COMMONS. What were the diffculties about continuing that?

Mr. GRIER. Well, the men who were doing the contract work seemed to be more interested in getting out tons than working the stope so that it would be safe.

Acting Chairman COMMONS. Namely, safety——

Mr. GRIER. Entered largely into the objection, the matter of safety.

Acting Chairman COMMONS. It was mostly safety in order that they might take more care. In what particular, where does the care come in?

Mr. GRIER. Well, the safety of a stope, of an excavation underground, depends a good deal on how you take out the ore, how you leave the walls, and how you leave the roof.

Acting Chairman COMMONS. Yon don't have much timber compared with coal mines; your timbering is very small, of course.

Mr. GRIER. Well, we haven't as much timbering now, anywhere near it, that we used to have. A number of years ago we adopted a new mine, a new style, and that was of letting waste down from the top, from the level above, and after breaking the stope full of ore, taking it out across the ledge and following that with the waste coming down as you went across. The waste is to hold the walls while the ore was removed.

Acting Chairman COMMONS. How long ago did you adopt that method?

Mr. GRIER. A dozen years ago, perhaps.

Acting Chairman COMMONS. Does that permit the miner to do a larger amount of work; that is, turn out a larger output, larger tonnage, than this method, than it did under the old method?

Mr. GRIER. No; I don't know that it does.

Acting Chairman COMMONS. What is the advantage, more economical?

Mr. GRIER. The advantage is in using the waste rock to protect the walls of the stope instead of timbers.

Acting Chairman COMMONS. It saves on the timber?

Mr. GRIER. Yes. I can give you now, Mr. Chairman, the total number of men—this applies only to the mine, however—working at different scales of wages. Shall I read it into the record?

Acting Chairman COMMONS. Yes; please put it in.

Mr. GRIER. Number of men: 36, at $2.50; 1, at $2.75; 743, at $3; 535, at $3.50; 1, at $3.75; 41, at $4; 51, at $4.50; 1, at $4.75; 3, at $5; 1, at $5.50; 1, at $7; 1, at $8; and 1, at $10.

One, at $350 a month would be nearly $12. That is the men—you understand that this first lot of 36 at $2.50 are men doing ordinary labor on surface.

Acting Chairman COMMONS. What is the occupation, what is the name of the occupation that they perform?

Mr. GRIER. Oh, various things about the surface, cleaning up and changing things continually going on.

Acting Chairman COMMONS. Just labor?

Mr. GRIER. Common laborers.

Acting Chairman COMMONS. Now, that is for the underground work, that is a total of how many employees—1,100?

Mr. GRIER. In addition to those, there is 20 contractors. Their rate is not given. It would be whatever they earn, but it makes a total of 1,440 men, and that was for January, 1914.

Acting Chairman COMMONS. Are those contractors on timber work, is that it, or what class of work?

Mr. GRIER. Those are drifters, they are running tunnels and drifts and crosscuts.

Acting Chairman COMMONS. Why is it that you have the contract system for drifters, is that something that is measurable in advance, can you measure that out so that you know what you are going to do?

Mr. GRIER. They start from a certain point that the engineers, the mine engineers give them, we will say on the first of the month, and at the end of the month the number of feet run is measured, and they are paid at the rate per foot agreed upon when they start. [Addressing Mr. E. F. Irwin.] Can you tell the chairman about what they make?

Acting Chairman COMMONS. The contractors.

Mr. GRIER. Say take an average of the men drifting in the mine.

Mr. IRWIN. Last month we averaged up all the drifts for the month, and they averaged $4.59 per day per man for eight hours.

Acting Chairman COMMONS. Do they work in gangs?

Mr. IRWIN. Four men usually take a drift, two on each shift.

Acting Chairman COMMONS. Well, the four men may go together, do they?

Mr. IRWIN. Yes.

Acting Chairman COMMONS. Divide equally?

Mr. IRWIN. Sign the contract, and divide the money equally after paying for their supplies, and they averaged $4.59. That is the last average we figured up.

Acting Chairman COMMONS. Do they pay for their supplies?

Mr. IRWIN. They pay for their powder, caps, fuse, and carbide.

Acting Chairman COMMONS. Well, is this figure that you give net?

Mr. IRWIN. Net for labor after deducting all the supplies.

Acting Chairman COMMONS. After deducting all their supplies?

Mr. IRWIN. Yes, sir.

Mr. GRIER. This is the form.

(The paper so presented was marked "Exhibit No. 2, Witness Grier, August 3, 1914."

Grier Exhibit No. 2, the paper referred to, was submitted in printed form.)

Acting Chairman COMMONS. This statement that you have sums up the pay roll for the month of January?

Mr. GRIER. Yes. We have this sort of a statement made in January of each year. This is January, 1914.

Acting Chairman COMMONS. Can you file that as an exhibit?

Mr. GRIER. Why, yes, be glad to.

(The paper so presented was marked "Exhibit No. 3, Witness Grier, August 3, 1914."

See Grier Exhibit No. 3, under "Exhibits.")

Acting Chairman COMMONS. Have you similar for the mills and surface work, have you a similar summary of the pay roll?

Mr. GRIER. We have not a statement like that for the surface, no. We have never made one except for the mine.

Acting Chairman COMMONS. Why is it——

Mr. GRIER. However, we can bring in for you, if you would like to have them examined, say, the whole pay rolls of the company for—this is August 1; we could not give them to you for July. We can give them to you for June if you would like to look at them.

Acting Chairman COMMONS. Can you make a transcript of the pay roll?

Mr. GRIER. Well, I would not like to undertake it. I would like to have you look at them—too much work.

Acting Chairman COMMONS. Well, how do you happen to make up this one each January; is it because you have the figures?

Mr. GRIER. Yes; they are easily compiled, and—well, we just did it for information, not for any special purpose that I know of.

Acting Chairman COMMONS. Now, as to keeping the record of the amount of work that is done, I have the blank here that each man is required to measure each hole drilled by himself and record the measured depth in the proper place on the other side of this card at the end of the shift. The card shall be deposited in a box provided for the purpose at the shift station. The shift boss shall collect the cards each day, O. K. by signing his name, and turn into timekeeper's office. If the shift boss shall find any holes not measured correctly he shall make out a duplicate card with correct measurements recorded.

That, I take it, then, would give for each man each day the amount of actual feet that he has drilled, or inches, or whatever it is?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And it gives the level and the stope or drift. That would indicate the character of the work, would it?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Whether it was hard drilling or soft material?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And the number of holes drilled. What use is made of this record regarding the man himself, the compiling of a record of the work that each man does?

Mr. GRIER. Well, it is for the purpose of furnishing the office with such information as it ought to have regarding the service a man is giving to the company. And, as I said a little while ago, you can't arbitrarily fix the number of feet a man should drill for various reasons. Different types of drills will accomplish—one drill will accomplish more than another, because it is a better machine, while perhaps it operates more smoothly and no little difficulty arises in the mechanism of it. And another thing that affects the work that a man accomplishes is the quality of the drill steel, or the steel out of which the drill is made. You understand that various firms manufacturing drill steel give to the consumer different qualities. Sometimes it is a pretty hard matter—in fact, it is all the time—to obtain an absolutely uniform quality. Well, then comes in the shape of the work, the drill making or drill sharpening, and that in turn is affected by the temper of it, and a number of things enter into it, what it is possible to accomplish, and it can not always be controlled, so that you can not arbitrarily fix a certain number of feet that a man must drill in order to satisfy you as to his having done a day's work. And then the texture of the rock through which he drills varies considerably on different parts of the mine. This form that we keep is intended to furnish us with information by which we can judge what a man is doing in a certain place and what the man on the opposite shift is doing in the same place, and then that compared with other parts of the mine where the work is either harder or softer, and even then you can't say that a man hasn't done his duty, because he may have had steel that was not properly tempered, his drill wasn't sharp enough, or he may have had to wait to get a supply of drill steel.

Acting Chairman COMMONS. Is there any compilation made or statistical table made up each month?

Mr. GRIER. Yes, sir; every 10 days we compile the work done by the various drills and men.

Acting Chairman COMMONS. Does Mr. Irwin keep that record?

Mr. GRIER. The report is made up in the engineer's office.

Acting Chairman COMMONS. And it is the record of each man's work?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Could we have one of the 10 days' statements?

Mr. GRIER. Certainly. Have you got one?

Mr. YATES. Not of each man's work.

Acting Chairman COMMONS. I would like to see what sort of record is kept on each man.

Taking the shovelers or loaders; I believe you call them shovelers that load the car, do you not?

Mr. GRIER. Well, they shovel the car full and push it, so that they are really both carmen and shovelers. From the point they load it, they push it to the station or place where the train picks it up. We have air motors underground that draw trainloads, and pick them up all along and take them to the shaft.

Acting Chairman COMMONS. How far would a man have to push a car until he got to the main track or main line?

Mr. GRIER. Sometimes a long distance and sometimes just a few feet, depending on where he is working.

Acting Chairman COMMONS. What is your standard of a day's work during the eight hours of that class of labor?

Mr. GRIER. There is no standard. A man shoveling from a large pile of rock may be loading from what would be called a run of small rock, and he could shovel twice as many cars from that run of small rock into his car and push it to where he had to go—he could load twice as many cars as a man could who encountered large pieces that rolled down in a pile that is in the stope and from which they shovel. The number of cars that a man shovels and runs to a certain place is left to the judgment of his boss, and no boss is expected to impose upon a man more than he can honestly do, and if he does fix a number of cars in a certain place for a man to shovel and run in a day, he is expected and directed to take into consideration all the circumstances surrounding the work that the man is doing, and if he fixes 10 cars for him to do and the man does not do more than 5, he is supposed to take into consideration the circumstances surrounding his work, and the next day he might be able to shovel 20 cars with greater ease than he could the day before shovel 5.

Acting Chairman COMMONS. What record is kept of the number of cars that a shoveler fills?

Mr. GRIER. There are tally men at the places the cars are dumped, and each man's cars are marked.

Acting Chairman COMMONS. Each man puts a check on his car?

Mr. GRIER. No; there is a tally man there, and as each man comes with his car——

Acting Chairman COMMONS. Oh, the man comes himself?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And he credits him?

Mr. GRIER. Credits him with the number of cars he dumps into the bins or the receptacle, or reservoir, or whatever you choose to call it.

Acting Chairman COMMONS. Those are the men getting the $3?

Mr. GRIER. Three dollars.

Acting Chairman COMMONS. What are your regulations in case that there are any complaints on the part of either the miner or the shoveler that the shift boss is not giving him a fair show on an amount of work or has laid him off because he has not done the amount of work?

Mr. GRIER. The shift boss, if he has laid a man off for any cause, no matter what, is required to report to the employment office the dismissal of the man and the reason therefor. Of course when a man is dismissed he goes to the employment office and asks for his time. He is asked why he is quitting. If his story does not agree with the shift boss's story, investigation is made, and if it is found upon investigation a man is not at fault and the shift boss is, the man is required—is restored and the shift boss reprimanded.

Acting Chairman COMMONS. Who investigates that?

Mr. GRIER. The employment office.

Acting Chairman COMMONS. That is Mr. Irwin?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Does he do that himself individually, or does he have a force?

Mr. GRIER. He does it individually.

Acting Chairman COMMONS. Goes down at the workings?

Mr. GRIER. No. The shift boss must assign the cause for the dismissal of a man, and he turns his name into the office as having been retired from the service. Then the man who is retired calls at the employment office to get his time, or his pay, and he is asked why he is leaving. If the story that he

tells does not agree with the story that the shift boss tells, then investigation is made. If the shift boss is at fault he is reprimanded and the man is restored to his work.

Acting Chairman COMMONS. In case a man makes a complaint against the shift boss, that, of course, is a part of this report that he makes?

Mr. GRIER. Yes.

Acting Chairman COMMONS. To the timekeeper's office?

Mr. GRIER. Yes; that goes into the employment bureau.

Acting Chairman COMMONS. Now, then, the shift boss can discharge a man—or what is it, a discharge or a suspension that the shift boss does?

Mr. GRIER. Well, both things occur. For some faults the shift boss has the privilege of laying a man off a day, or two, or three, or a week, according to the gravity of the offense; ordinarily a man is given about three chances, and then if he——

Acting Chairman COMMONS. What is the highest number of days that the shift boss can lay a man off?

Mr. GRIER. Well, I don't think that any maximum number of days has ever been fixed. It generally runs, as I suggested, from a day or two to 10 days. Mr. Irwin, what would be the average?

Mr. IRWIN. Generally five days to two weeks.

Mr. GRIER. Further than that, they discharge them.

Acting Chairman COMMONS. Then they can discharge them, and the man takes it up with the employment office, it is investigated there, and the shift boss can be turned down?

Mr. GRIER. Yes.

Acting Chairman COMMONS. On either a suspension or a——

Mr. GRIER. Dismissal.

Acting Chairman COMMONS. Or dismissal?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Can he be vetoed or turned down on a suspension?

Mr. GRIER. Sir?

Acting Chairman COMMONS. Can the employment office reverse on a suspension and send the man back to work again without suspending him, without permitting him to be suspended?

Mr. GRIER. Well, you know one day would elapse before an investigation could be made.

Acting Chairman COMMONS. He has got one day, anyhow?

Mr. GRIER. Yes; but he can be restored if the cause is found insufficient.

Acting Chairman COMMONS. Do you keep a record of the suspensions? Is there a report made to you of the number of suspensions and the days?

Mr. GRIER. A report is made to me at the end of each month of the number of men leaving the service, the cause which they give for leaving, and the cause given by the shift boss.

Acting Chairman COMMONS. Could we have a copy of one of those reports?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. The employment office hires all of the men, as I understand?

Mr. GRIER. Yes.

Acting Chairman COMMONS. You require them to sign an application and to take a physical examination?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Would you describe the procedure? What sort of examination questions are asked of the men?

Mr. GRIER. A man applying for employment, if there is a reasonable chance of his going to work within a few days, is referred to the medical department to be passed upon. That is done because the company wants to know whether he is physically able of doing the work he seeks. Occasionally you will find, well, probably a man who would like to get on the Homestake pay roll so that he can enjoy the benefits of the aid fund. That would be an imposition on the able-bodied men who contribute regularly to the fund and who enjoy its benefits—to have somebody who was not capable of doing a day's work enter the service and probably be taken sick within a week or less or more and be on then for the rest of his life and if he died his heirs get the death benefit.

Acting Chairman COMMONS. When was this physical examination first adopted? How long has that been the practice?

Mr. GRIER. Very soon after the establishment of the aid fund.

Acting Chairman COMMONS. It grew out of the aid fund?

Mr. GRIER. It grew out of the aid fund; yes.

Acting Chairman COMMONS. Now, the report of the physician, then, is final, is it?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What things does he take into account; the question of age, does he take that into account?

Mr. GRIER. Well, we rely, I might say, absolutely upon his judgment. And the man's age, I presume, would be taken into consideration in connection with his physical ailment, if he has one.

Acting Chairman COMMONS. But the company, the superintendent, does not lay down and rule regarding the age—no age limit which is recognized?

Mr. GRIER. There never has been an age limit prescribed in passing upon the qualifications of a man.

Acting Chairman COMMONS. What has been the actual experience as regards the highest age of men newly taken on, say, in the past year?

Mr. GRIER. Well, that is all a matter of record. If you will excuse me, I think Mr. Irwin can give you a better answer.

Acting Chairman COMMONS. Have you compiled the figures showing the different ages of the men taken on during the year?

Mr. IRWIN. We have that in our monthly report.

Acting Chairman COMMONS. That is included in this one I have asked for?

Mr. IRWIN. Yes.

Mr. GRIER. Would you like to see this?

Acting Chairman COMMONS. Yes.

Mr. GRIER. Containing the age record and everything.

Acting Chairman COMMONS. That report, Mr. Irwin, is not here?

Mr. IRWIN. I have just sent for it.

Acting Chairman COMMONS. You have a schedule, have you, of the form that you use that the man fills out, Mr. Irwin?

Mr. IRWIN. Yes.

Acting Chairman COMMONS. All these are made out by the employment department?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Here is the name, age, height, weight, color of hair and eyes—those, I presume, are simply for identification purposes?

Mr. GRIER. We want the fullest information possible to obtain so that a man may be fully identified in every way, shape, and form. There have been cases where a man is under the employment of the company and has been unfortunate enough to have met death, either by accident or natural causes, and we have been at a loss to identify him to people that have inquired even across the ocean, so that we have the fullest possible identification of the man that we can get so that we are able to give that information to anybody that might inquire.

Acting Chairman COMMONS. Well, then, physical defects; are those the obvious defects, I presume, or does the man fill this out himself?

Mr. GRIER. Well, the man is not always willing to fill in the defects. I think that is done pretty much by the physician.

Mr. IRWIN. Those questions are all answered by the man, and I write them down.

Commissioner O'CONNELL. You wouldn't call the color of a man's hair a defect; you might say it was red or black.

Mr. GRIER. It would not be a defect, but it would be a means of identification.

Acting Chairman COMMONS. Now, it is stated here whether he is a married man, and his nationality. What is your policy regarding the employment of married men as against unmarried men?

Mr. GRIER. The policy of the company for many years has been to give preference to married men, other things all being equal. Men with homes here are more desirable than what we call the rolling stone. A man who has no interest in any person, place, or thing on earth, who goes about from one town to another, seeking whom he may devour oftentimes, we don't want, I am free to say, that sort of employee, and therefore if a man has a home here and a family he is very much more desirable to enter the service of the company than one who is a man with a suit case.

Acting Chairman COMMONS. If he is a married man with a family some place else the same thing would hold?

Mr. GRIER. The same thing would apply if a man expected to remain permanently in the service, and brought his family here.

Acting Chairman COMMONS. Suppose his family is abroad.

Mr. GRIER. We have those cases and are continually urging upon the married man here with family in Italy or Sicily or some place else to get them here if he intends to remain.

Acting Chairman COMMONS. Does your record show the number of men with families abroad?

Mr. GRIER. I think it does.

Acting Chairman COMMONS. Could you furnish the number of men who have families abroad?

Mr. IRWIN. We have no record of that. It gives the address of his wife. There is no record kept of the number of employees with families in the old country, just the present address of the wife at the time he is employed.

Mr. GRIER. That indicates whether the family is abroad or not?

Mr. IRWIN. We haven't any compiled record.

Acting Chairman COMMONS. If his family is moved here, there is a record made of that?

Mr. IRWIN. No.

Acting Chairman COMMONS. You only have a record showing what was the situation when he was employed?

Mr. IRWIN. At the time he was employed.

Acting Chairman COMMONS. So that you don't keep it up to date as to that point?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. What proportion of your 2,200 men would be married men? I presume Mr. Irwin would have that, wouldn't he?

Mr. GRIER. I presume Mr. Irwin could give a better guess on that.

Mr. IRWIN. Sixty-five per cent, I should say.

Acting Chairman COMMONS. Sixty-five per cent married, and have their homes here?

Mr. IRWIN. Well, that would not be as high. Probably 15 or 20 per cent who have not their families here. There are always a class of employees coming in and having their families at their former home and moving them here as soon as they get established.

Acting Chairman COMMONS. Regarding the nationality, what is the attitude of the employment office on the different nationalities that are employed?

Mr. GRIER. The policy is to give preference to Americans, but we have some very good employees from the other side of the Atlantic, not so many, however, now as we had a few years ago. It was thought wise not to restrict the operating force entirely to American or English-speaking people, thinking it might give cause or give rise to the idea we were prejudiced against other nationalities. I should think we have in the mines in round numbers, I should say, 100 Italians, 100 Finlanders, 100 from the Slavonic Provinces, and probably a dozen other what you would call foreign nationalities represented, but in very much smaller numbers, all aggregating possibly 500 men out of between 1,100 and 1,200 employed in mines.

Acting Chairman COMMONS. Your employment office would have a record of that so that we could get it?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Have you that, or Mr. Irwin?

Mr. GRIER. You can get that sheet. Have you an extra copy?

Acting Chairman COMMONS. According to your statement there would be about as much as half of those underground that are——

Mr. GRIER. Distributed among 14 or 15 nationalities.

Acting Chairman COMMONS. Taking the number as a whole, which is 2,200, would that run about the same, about half?

Mr. GRIER. No, sir; in the other departments there is not anything like as high a per cent of foreigners as there is in the mines.

Acting Chairman COMMONS. How does that happen there should be more underground foreigners?

Mr. GRIER. Well, it seems that the foreign element applying for work applies for work in the mines rather than in the departments.

Acting Chairman COMMONS. Have they been miners in the old country? Is that the idea?

Mr. GRIER. Well, either some of them have; and some of them have had mining experience in other camps in the United States.

Acting Chairman COMMONS. Well, beside the question of giving position to Americans on the ground of nationality, is there any ground on the basis of efficiency? Do you find the Americans are better workmen than foreigners?

Mr. GRIER. Well, I think they are just as good, and we rather prefer them.

Acting Chairman COMMONS. You stated formerly there was a much larger per cent, I think, of the foreign element?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. How long ago was that?

Mr. GRIER. Five or six years ago.

Acting Chairman COMMONS. Now, you changed. What was the proportion that time? Say, it is about half foreign now, what was it at that time?

Mr. GRIER. Well, I would rather Mr. Irwin gave you that; he ha sa closer account of it.

Acting Chairman COMMONS. What is the amount of it?

Mr. IRWIN. Seventy-two per cent.

Acting Chairman COMMONS. Do you remember now the figures for the present?

Mr. IRWIN. Seventy-one per cent English and American speaking, and 29 per cent foreign and non-English speaking.

Acting Chairman COMMONS. That is, formerly 72 per cent were foreigners and non-English speaking, and that would mean 28 per cent English speaking, and now it is just reversed?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Seventy-one per cent English and 29 per cent foreigners?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. The policy has apparently changed entirely regarding the employment of foreigners?

Mr. GRIER. I would like to ask Mr. Irwin if in giving this per cent he refers to foreigners he includes Germans who speak English well, Scotchmen and Irish and people from the other side of the Atlantic?

Mr. IRWIN. The English speaking will include English, Americans, Scotch, and Irish only.

Mr. GRIER. I think that can be shown better in a statement to the commission—the statement Mr. Irwin has sent for—what the nationalities represented are and the number of each.

Acting Chairman COMMONS. We can take that up when that comes in. You ask a question regarding religion. What is the reason for asking that?

Mr. GRIER. Just the same as asking the politics, nationality, color of hair, and height, and everything else.

Acting Chairman COMMONS. What is that reason?

Mr. GRIER. Identification.

Acting Chairman COMMONS. Identification?

Mr. GRIER. Yes, sir; identification.

Acting Chairman COMMONS. Is there any reason to think that people of one religion or another religion are better employees than another?

Mr. GRIER. There has been no discrimination on account of religious affiliation.

Acting Chairman COMMONS. A person who claims himself as having no religion whatever, being an infidel, would that make any difference?

Mr. GRIER. Well, as long as we don't class him as an anarchist or something akin to that we wouldn't object to him. We have a very few of that kind on the pay rolls, but I think they all have a little religion in their hearts even though they say none.

Acting Chairman COMMONS. Well, is it the policy of the company to encourage the establishment of churches and religious organizations in the community?

Mr. GRIER. The company has been a regular contributor to all of the churches represented here in Lead and on what we call the belt along its hoisting works and mills and line.

Acting Chairman COMMONS. What would be the denominations, for example?

Mr. GRIER. Well, I think we have about all of the denominations in the country represented. All of the Protestant denominations and the Roman Church and the Mormons—well, we don't give anything to the Mormons; they have only lately come into camp.

Acting Chairman COMMONS. The contributions of the company, are they made out of the treasury of the company?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Or given out of Mrs. Hearst's private funds?

Mr. GRIER. From the Homestake treasury.

Acting Chairman COMMONS. Is there any particular ruling regarding the amount each denomination gets?

Mr. GRIER. It has been $200 a year to about 15 or 16 different denominations for a great many years.

Acting Chairman COMMONS. $200 each a year?

Mr. GRIER. $200 each a year.

Acting Chairman COMMONS. Does the company aid them in any other way, such as buildings or land, and things of that kind?

Mr. GRIER. Yes, sir; in other ways. The company has assisted the religious organizations. I think the company gave $1,000 to Bishop Busch a year or two ago to help him in his building adjoining his church, or on the church property here, and I know of very many other ways in which nearly all if not all of the religious denominations have been helped from time to time in addition to the $200 contributions.

Acting Chairman COMMONS. Does your company donate land or buildings to any religious denomination that wishes to put up a structure?

Mr. GRIER. They don't donate the land. It is not their policy to give the land, but they freely give a permit to occupy it and try and locate them in a spot where perhaps they never would be interfered with by reason of any mining operations that the company wished to conduct.

Acting Chairman COMMONS. What is the nature of this permit?

Mr. GRIER. Just a permit to occupy, the company paying the taxes regularly on the land, but giving them a free permit to occupy it.

Acting Chairman COMMONS. Is that revocable at any time?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. It is a permit at will?

Mr. GRIER. But there never has been a revocation in the 35 or 36 years I have been here, and I don't expect there will be for 36 years more.

Acting Chairman COMMONS. Are these permits given to schools besides—religious schools as well as the churches?

Mr. GRIER. I don't think there is a religious school in this district excepting the parochial school now closed. But it was operated by the Roman Catholic Church here for a number of years. I don't think there is any other denomination that has a school.

Acting Chairman COMMONS. Well, in that case, in the case of that parochial school, are they located on land for which they have a permit from the company?

Mr. GRIER. Well, I can't recall the title they have. It is possible that it is—well, I am quite sure now it is on the old original town site that was laid out in the early days, and after litigation extending over a term of years between the mineral claimants and the town-site people it was finally adjusted to the satisfaction of the department in Washington by giving a title to the people who were then in occupancy and reserving the rights to the mineral claimants.

Acting Chairman COMMONS. What proportion of the land is under that arrangement in the town of Lead?

Mr. GRIER. Well, roughly, I should say the biggest half.

Acting Chairman COMMONS. Most of the buildings are constructed on that sort of title?

Mr. GRIER. Yes. sir.

Acting Chairman COMMONS. That gives the title to the surface?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is that a fee?

Mr. GRIER. No; it is not a fee.

Acting Chairman COMMONS. It is not a permit?

Mr. GRIER. No; that is not a permit; that is a title that was agreed upon during this litigation between the mineral claimants and the town-site people many years ago, under the terms of which the mineral claimants transferred to a board of trustees the right to the occupancy of the surface, and in turn those trustees passed title to the occupants.

Acting Chairman COMMONS. That is a perpetual title they have to the surface?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And how is that affected by the operations, the mining operations underneath? If there is any damage done, the mining company would be held?

Mr. GRIER. I think under that agreement that the mineral claimants would have the right to conduct operations that were legitimate, absolutely necessary,

and could not be avoided from underneath the surface, and if the surface was endangered, the surface occupant, I think, would have to move after having been given a reasonable length of time in which to move.

Acting Chairman COMMONS. Well, would he be compensated for the loss of his improvements?

Mr. GRIER. I don't think there is any provision for compensation.

Acting Chairman COMMONS. Not in the deed?

Mr. GRIER. I think not.

Acting Chairman COMMONS. Who could give us that information, Mr. Keller, regarding the titles?

Mr. GRIER. Why, that, I guess Mr. Keller can. [Addressing Mr. Keller:] Have we an extra copy of that agreement, Mr. Keller?

Mr. KELLER. I think we have several copies of the agreement that was entered into at the time.

Acting Chairman COMMONS. That could be furnished us? Will you secure that then, Mr. Keller?

Mr. KELLER. Yes.

Acting Chairman COMMONS. The policy evidently of the company, then, is to encourage the establishment of religious organizations in the locality, is it not?

Mr. GRIER. Yes. Their contributions indicate that.

Acting Chairman COMMONS. By contributing something?

Mr. GRIER. Annually.

Acting Chairman COMMONS. Something to the extent of possibly three or four thousand dollars a year, at the rate of $200 to each denomination?

Mr. GRIER. Yes, sir; I think our—I think the company's contributions have reached thirty-six hundred dollars.

Acting Chairman COMMONS. Thirty-six hundred?

Mr. GRIER. But it would not average that; it would probably average thirty-two hundred.

Acting Chairman COMMONS. Thirty-two?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Well, is it your idea that a man that attends church and belongs to one of these denominations is something like a married man, more likely to be a steady and sober man, and thus that should be a reason for encouraging religious activity?

Mr. GRIER. Why, that would be a natural conclusion, I think.

Acting Chairman COMMONS. That is one of the reasons why you encourage religious denominations?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Do these denominations live and get their additional money from local people, or do they get it from outside? Do you happen to know about that?

Mr. GRIER. Well, they get some of their money from followers of the faith, those who attend their services; and in some instances, I think, they are helped to some extent by the general board of missions of the particular denomination.

Acting Chairman COMMONS. So that they get some outside help as well?

Mr. GRIER. Some of them do. I think there are some that do not.

Acting Chairman COMMONS. You don't know which ones?

Mr. GRIER. No; I don't.

Acting Chairman COMMONS. Your contribution has nothing to do with what they get?

Mr. GRIER. Nothing whatever.

Acting Chairman COMMONS. The wealthy ones would get just as much as those——

Mr. GRIER. Well, they all get it.

Acting Chairman COMMONS. They all get it, there is no favoritism as regards denominations?

Mr. GRIER. None at all.

Acting Chairman COMMONS. But the general practice of supporting religious institutions, those that have schools are not supported any more than those that do not have schools?

Mr. GRIER. They all get the same amount.

Acting Chairman COMMONS. Does the company contribute to any schools besides the kindergarten?

Mr. GRIER. I think only by regular way of taxation.

Acting Chairman COMMONS. Regarding the question on politics, I suppose that means of course political parties. What is the reason for that in addition to a mere matter of identification?

Mr. GRIER. Well, I suppose it would fully identify a person to know everything about him that it is possible to know.

Acting Chairman COMMONS. Have you the figures of the different—perhaps Mr. Irwin has those figures.

Mr. IRWIN. They are in that report.

Acting Chairman COMMONS. Has that been brought here? Where is that report?

Mr. IRWIN. You have the report.

Acting Chairman COMMONS. This is a report for June 30. This is for the month of June, I presume, and it states that during that month 68 were employed, and of those, 38 were Republicans, 10 were Democrats, 18 were minors—of course they would not decide—and two were foreigners, making a total of 68. "Foreigners," I presume, means those that haven't taken out their final papers?

Mr. IRWIN. Those that have not taken out the first papers.

Acting Chairman COMMONS. Not taken out the first papers. Can they vote in this State after they have taken out the first papers?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. So that a foreigner here would be one who had not taken out his first papers?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Who could not vote?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Is your record kept up to date?

Mr. GRIER. The record of politics is only required when they make the application.

Acting Chairman COMMONS. Suppose they change their politics?

Mr. GRIER. We have not—I should say it was not kept up to date; that the record was made of the man when he entered the service. Is that right, Mr. Irwin?

Mr. IRWIN. No permanent record other than the man's individual application.

Acting Chairman COMMONS. When did you start this record of their politics? How long ago was that taken up?

Mr. GRIER. When was it, do you remember?

Mr. IRWIN. 1910 or 1911.

Acting Chairman COMMONS. I notice there are no Progressives in here or Socialists. Is it the policy of the company to discriminate against Progressives and Socialists?

Mr. GRIER. I think we would discriminate against Socialists. I do not think there would be any discrimination against Progressives, because we pretend to be progressives ourselves, and each year we are adding to our record and developing as perfect a system as we are capable of. Something suggests itself to us one year, that it would be well to have a record of, and we go into it, and next year something else. Our report shows 26 nationalities represented, Mr. Chairman.

Acting Chairman COMMONS. I did not refer to progressive principles, but I referred to Progressive politics. That is the question. Is the question simply taken up as a matter of record with each man, then?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And if he changes his politics, he might become Progressive?

Mr. GRIER. He would indicate that at the ballot box, where he has a right to, if he wants to. I think he might proclaim it from the housetops; I don't know.

Acting Chairman COMMONS. The question of residence, occupation, and experience. What is included under "experience"?

Mr. GRIER. Well, if a man comes here and applies for a position as a miner, he is asked what experience he has had as such wherever he has been before coming here. If he has had two years' experience in Arizona as a miner, three in Montana, three in Colorado, two in Lake Superior—where he has had an extended experience in that particular kind of work to qualify him, that is what I mean.

Acting Chairman COMMONS. By whom last employed and where and in what capacity, how long. That simply gives the last record. Do you make a special effort to inquire of the last employer as to his record, how long he has been working for them?

Mr. GRIER. I do not believe we have ever made an inquiry from the last employer of an applicant.

Acting Chairman COMMONS. Simply try the man out?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And on the basis of his own story?

Mr. GRIER. In questioning a man at an employment office, we can form a pretty correct conclusion as to the qualifications of a man; that is, a man who is trained in this work can.

Acting Chairman COMMONS. Is this record used to answer inquiries when other employers apply to you with regard to a man who has quit your employ and gone to some other mine? Do you get letters from them asking about him?

Mr. GRIER. We get inquiries of that kind, oh, I don't know, two or three times a month?

Mr. IRWIN. Oftener than that.

Acting Chairman COMMONS. Oftener?

Mr. GRIER. Occasionally we get an inquiry.

Acting Chairman COMMONS. Do you give the information asked for?

Mr. GRIER. What do you give, Irwin?

Mr. IRWIN. Give them his record; that is, we don't go back.

Acting Chairman COMMONS. You give them his record with you? How much off of this application do you give them?

Mr. IRWIN. We do not give him anything; give him simply the record of the man at work since he has been with us—while he is here.

Acting Chairman COMMONS. There is no association of mine owners or employers, is there, who exchange the information with regard to employees?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. So that there is no system of interchange at all regarding employees in changing of occupation?

Mr. GRIER. We have never had any.

Acting Chairman COMMONS. Use liquor in excess or morphine. I presume that goes to the medical department, does it not?

Mr. GRIER. Yes.

Acting Chairman COMMONS. For final determination. The policy of the company, of course, is not to employ men who use liquor to excess?

Mr. GRIER. We do not want them.

Acting Chairman COMMONS. And that is good cause for discharge?

Mr. GRIER. Very good. However, a man is usually given two or three and sometimes four or five chances to reform.

Acting Chairman COMMONS. Do you consider by this method you have got a more temperate class of employees?

Mr. GRIER. I do.

Acting Chairman COMMONS. What are you standards of measurement or how do you make up your mind regarding that? What standard do you use to demonstrate that you have a more temperate body of employees?

Mr. GRIER. Well, I think the crowd in the street shows, for one reason. I know the general way the work goes on in the various departments of the service.

Acting Chairman COMMONS. That is, a question of efficiency?

Mr. GRIER. Yes.

Acting Chairman COMMONS. How do you measure your increase in efficiency? What are your standards of telling how your efficiency has increased since this system has gone into effect, which, I take it, is about three years?

Mr. GRIER. This regulation about the use of intoxicants has been in effect here for 35 years.

Acting Chairman COMMONS. Thirty-five years?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Well, during what time have you noticed an improvement in the temperate condition of the employees?

Mr. GRIER. Well, we have never had a very bad lot in Lead. This is with a view of keeping up the good conduct.

Acting Chairman COMMONS. Oh, you have always had a good temperate set of men?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Does that apply equally to all nationalities?

Mr. GRIER. Well, nearly so.

Acting Chairman COMMONS. What is the attitude of the company toward the liquor business in the town; I presume the saloons are located on property belonging to the corporation, the same as churches and others.

Mr. GRIER. The saloons are located on the original townsite, reference to which was made a little while ago. The title passed through the trustees when the compromise was made between the mineral claimants and the townsite people.

The attitude of the company toward the saloons is to endeavor, so far as it is within their power, to make them conduct their business in as decent a way as possible. The company realizes that as long as the Government permits liquor to be manufactured that somebody is going to drink it, and the dispensing of it should be pretty closely guarded. And the efforts of the company are always emphasized in that direction.

Our saloons, in the early days here, used to remain open so long that I guess they were never closed, including Sundays. That was during the formation period of the camp, you might say. After awhile it was realized that that condition ought not to continue, and I think through the efforts of the Homestake office the saloons were closed on Sunday. A little bit later on they were closed after 11 o'clock at night. Still later they were closed at 9 o'clock in the evening. That is the hour they close at now.

Acting Chairman COMMONS. How long have they been closing at 9 o'clock—for how many years?

Mr. GRIER. When did that law go into effect?

Mr. KELLER. Four years ago.

Acting Chairman COMMONS. Four years ago?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Was a member of the labor union. Along with the statement Chapman makes that he is not a member of any labor union, "That in consideration of my being employed by the Homestake Mining Co., agree I will not become such while in its service"; when were those two questions adopted and put in the application blank?

Mr. GRIER. In the fall of 1909.

Acting Chairman COMMONS. Now, does this apply to all labor unions or to only certain types of labor unions?

Mr. GRIER. To all.

Acting Chairman COMMONS. To all unions?

Mr. GRIER. Yes.

Acting Chairman COMMONS. It was adopted at the time of the lockout or strike which occurred?

Mr. GRIER. Yes.

Acting Chairman COMMONS. With the Western Federation of Miners?

Mr. GRIER. Yes.

Acting Chairman COMMONS What were the circumstances leading up to that trouble which caused the company to lay down this rule, since 1909—that would mean it has been in force now since the fall of 1904—that has been in force nearly five years, say?

Mr. GRIER. Yes; the Lead City Miners' Union was organized in 1877 and continued to exist until 1909. A goodly number of the employees of the mining company, the Homestake Mining Co., were members of that union. The company never asked them, up to that time, when a man made application for employment, whether he was a member of a labor union or not. There never had been any differences between the labor organization and the mining company that were worthy of mention.

During the summer of 1909 the Western Federation of Miners sent into Lead, in the person of Mr. William E. Tracy, an organizer, with instructions to completely organize the camp and the district. Mr. Tracy called to his aid several members of the local union, and after perhaps three months' work succeeded in increasing the numerical strength of the union to a very considerable extent, in many cases using coercive measures, intimidating the employees of the mining company, making threats against their personal safety by false pretense and in various other ways. The time came about the middle of October, when Mr. Tracy thought the Western Federation of Miners in its constituency was strong enough to demand that all those who up to that time had not become its members should do so. And late in October, by resolution which was published in the daily papers, notified all concerned that on and after the 25th of

November, 1909, members of the federation would not work with those working for the Homestake Mining Co. who failed or neglected to become members in good standing. At that time there was perhaps 2,500 men in the service of the Homestake Mining Co., and I should say about 500 out of that number had failed or refused to become members of the federation.

The 25th of November, the day set for ceasing work on the part of the federation members, was Thanksgiving Day. Not having enough of a force numerically to continue to operate at such a capacity as would be profitable, the Homestake Mining Co. ceased to operate its mine on the evening of the 24th, and gave notice of its intention to do so in a notice published in the daily papers. The mining company had no lawful right to compel those who were not members of the federation to join it, and there did not seem any other course for them to adopt but to quit work and either remain closed, no one could tell how long, or allow those men who through the federation had notified the world that they would not work with nonunion men on and after the 25th of November. So they notified those far and near who wished to to come and join hands with the 500 nonunion men and resume operations, and allow those who had given notice that they would not work, to continue their idleness if they wanted to.

Large numbers came and joined hands with the nonunion men who were available and ready to go to work at any day—resume work at any day, so that on the 18th of January, I think, 1910, a sufficient force numerically was available to start up the largest mill that the Homestake Co. operates. Continuing to come in the course of the next week the company had enough men to start another mill, and a few days later another and another, until finally, on the 3d of March, 1910, they had more men than they wanted, and every plant was running at full capacity, which it has continued to do from that day to this.

Acting Chairman COMMONS. Those 500 men who did not join the organization were the underground men?

Mr. GRIER. They were in all departments of the service.

Acting Chairman COMMONS. Some were underground and some in the other departments?

Mr. GRIER. In order to operate a mill, you understand, it was necessary to have so many miners, so many shovelers, so many carmen, so many timbermen, so many motor men underground hauling ore, so many hoisting engineers, so many men in the stamp mill, so many men in the cyanide works, the regrind plant, and the foundry, the machine shop, and repair shops generally, and all through the service—500 wasn't enough, divided up, as they would have to be, to operate one mill, so that there was nothing for the company to do but to stop.

Acting Chairman COMMONS. Yes. Prior to this notice, or this activity of the organizers in 1909, had you had any written contracts or agreements with this local of the mine workers?

Mr. GRIER. No; never had a contract.

Acting Chairman COMMONS. Never had had any written contract?

Mr. GRIER. Nor verbal.

Acting Chairman COMMONS. Nor verbal?

Acting Chairman GRIER. No.

Acting Chairman COMMONS. What was the nature of the arrangement, suppose that a—did the union at that time have any salaried employees that you know of, or were they simply acting through their own committee men, own workingmen?

Mr. GRIER. They had a president and a treasurer, secretary, board of directors, I suppose, I don't know.

Acting Chairman COMMONS. Do you know whether they were all employees of the company, all the officials of the union?

Mr. GRIER. Excepting the secretary I think they were all employees, and I am not so sure that he did not work part of the time, too.

Acting Chairman COMMONS. Now, did the secretary or any of their board representing the men ever take up any complaints or grievances; would they appeal to you or to any of your superior officers, superintendents, and so on?

Mr. GRIER. I was appealed to during 30 years probably a half dozen times for trival matters that were adjusted in five minutes.

Acting Chairman COMMONS. That is, you would confer with these representatives of the union?

Mr. GRIER. It would be a committee that I suppose they characterized as a grievance committee.

Acting Chairman COMMONS. And they would be selected from time to time to take up matters with you?

Mr. GRIER. They would be appointed at a meeting of the union and given credentials certifying that they were appointed for the purpose of presenting a grievance, whatever it happened to be.

Acting Chairman COMMONS. Those, you say, were trival and trifling?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Do you happen to remember any of them, what they were?

Mr. GRIER. I think once or twice some complaint was made about inattention on the part of some of the hospital doctors. The greatest grievance that was ever brought to my attention was when an appeal was made for an eight-hour day for the underground workers only, and there was some—that was not quite as easy of adjustment as the other matters, because there was a whole lot more involved. While the matter had been under consideration for a considerable time by myself no action had ever been taken. But the time came, however, when by readjusting the affairs in several of the establishments or departments of the service, it was found that it might possibly be a very slight loss to the company to adopt the eight-hour rule, and it was not only adopted and made operative in the underground, but it was applied to every department of the service.

Acting Chairman COMMONS. Do you remember about what year that was when that was done?

Mr. GRIER. Half a dozen or more years ago—six or eight years ago.

Acting Chairman COMMONS. Nineteen hundred and six or seven. How many employees were affected by that change?

Mr. GRIER. Every employee in the service of the company.

Acting Chairman COMMONS. That is, all of the underground men had been working 10 hours?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And they were all put on an eight-hour basis at that time?

Mr. GRIER. Yes, sir; every person in the service of the company was given the benefit of the eight-hour schedule.

Acting Chairman COMMONS. In the shops the machinists, the molders, and others had been on a 10-hour basis?

Mr. GRIER. They were all put on the eight-hour schedule.

Acting Chairman COMMONS. Do you remember the grievance committee that took that up. Did it represent all classes of labor, the committee that called on you at that time?

Mr. GRIER. Well, no, sir; it was—well, I wouldn't say. I don't remember who the committee was, except one of them was Mr. Ryan, secretary of the local organization. I think there were three. I think Mr. Shimman—chairman——

Acting Chairman COMMONS. Was he a miner?

Mr. GRIER. Yes, sir. I don't know whether any other department of the service was represented or not.

Acting Chairman COMMONS. Machinists or molders or carpenters, all that class of labor, were they represented in the grievance committee—in the committee?

Mr. GRIER. I could not say, Mr. Chairman. I don't remember it, but I don't think there was any other department but the miners represented, because all that was asked for was that the eight hour apply to the underground workers.

Acting Chairman COMMONS. But you went further than that and applied it to all the shops?

Mr. GRIER. Applied it to everybody in the service of the company.

Acting Chairman COMMONS. How long were those negotiations underway; do you remember?

Mr. GRIER. No, sir; I do not.

Acting Chairman COMMONS. Now, when this action of this committee, or this union, was taken October 25, 1909, what was the first knowledge you had of the action?

Mr. GRIER. You mean of the action taken——

Acting Chairman COMMONS. By the union in its declaring it would not work after a certain date?

Mr. GRIER. Well, all sorts of rumors were in the air for a month or two or three, but I think the publication of this notice in the newspaper is the first definite knowledge—knowledge that I could rely upon—that I had.

Acting Chairman COMMONS. That is, there were rumors prior to that that they were likely to take some action on that; is that it?

Mr. GRIER. Oh, yes; all sorts of rumors.

Acting Chairman COMMONS. The question was up for discussion?

Mr. GRIER. You could not rely upon much that you heard.

Acting Chairman COMMONS. You mentioned Tracy as being brought in by the national organization. Did Tracy call on you at that time?

Mr. GRIER. Yes; he called upon me with Mr. Ryan, Mr. Kirwin, Mr. Joey, and Mr. Christianson.

Acting Chairman COMMONS. All your employees?

Mr. GRIER. No; Mr. Joey and Mr. Christianson were employees, but, of course, Mr. Tracy, the federation organizer, Mr. Kirwin, a member of the executive board of the Western Federation of Miners, and Mr. Ryan, secretary of the local union here, were not in the employ of the company.

Acting Chairman COMMONS. What did Tracy propose when he called upon you? This was probably before this action by the local union, wasn't it?

Mr. GRIER. No, sir; after it.

Acting Chairman COMMONS. I am speaking before that action.

Mr. GRIER. Oh, before it.

Acting Chairman COMMONS. Before it; while these rumors were in the air?

Mr. GRIER. Mr. Tracy didn't call upon me before.

Acting Chairman COMMONS. Did any representative of the organization call upon you with reference to this closed-shop proposition?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Prior to this action?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. This information came to you, then, in what way?

Mr. GRIER. It came to me from a great many men employed by the Homestake Mining Co. who came and asked me if they were compelled to join the union to hold their positions with the company, and complained of threats made against them by certain assistants of Mr. Tracy who were helping him in organizing.

Acting Chairman COMMONS. Were these assistants of Tracy brought in from the outside also?

Mr. GRIER. No, sir; they were members of the local here in Lead.

Acting Chairman COMMONS. Did they represent different nationalities?

Mr. GRIER. I don't think so; I think they were Americans.

Acting Chairman COMMONS. At that time apparently 72 per cent of the employees were non-English speaking. How did the union organize the non-English speaking, do you happen to know, at that time? How did they reach them?

Mr. GRIER. How did the organizers reach these men?

Acting Chairman COMMONS. Yes, sir.

Mr. GRIER. You understand all the men in the employ of the Homestake Mining Co. can both speak and understand English; that is a requirement.

Acting Chairman COMMONS. At that time there was 72 per cent——

Mr. GRIER. They could do it at that time.

Acting Chairman COMMONS. They could?

Mr. GRIER. Yes; not as well as you can, but still they could understand perfectly well enough to know when they were asked to do a certain thing in the mines. We would not have a man in the mines who could not understand?

Acting Chairman COMMONS. You never had a man there who could not understand?

Mr. GRIER. That has been a rule always.

Acting Chairman COMMONS. So that the organizers were all English-speaking organizers, so far as you know?

Mr. GRIER. Well, now, the organizers were not all English-speaking people. There was a man sent here by the federation named Yancoterzich, an Austrian. He was sent here for the express purpose of holding in line the Austrian element.

Acting Chairman COMMONS. That is the Slav element?

Mr. GRIER. Yes; and there was a man here—I think he was a resident, though—who was supposed to look after the Finnish element. I don't recall whether there was anybody here looking after the Italian element or not; but there was enough of them, all told.

Acting Chairman COMMONS. There were only two, then, brought in from the outside—Tracy and Yancoterzich?

Mr. GRIER. That is all I recall at this moment.

Acting Chairman COMMONS. Now, in acting upon this resolution, did you assume the responsibility, or did you take it up with your directors or president?

Mr. GRIER. I assumed the responsibility myself.

Acting Chairman COMMONS. You had such authority, or you would not have done it?

Mr. GRIER. Well, I exercised it whether I had it or not.

Acting Chairman COMMONS. Have you any knowledge whether the organization went to the stockholders or not?

Mr. GRIER. I know they did. I know that Mr. Kirwin, who was a member of the executive board, telegraphed Mr. Haggin, the president of the company, presenting the situation and ask him to have the ultimatum, as they called it, withdrawn that was issued here in order to avoid a strike. Mr. Haggin replied that the matter was in my hands; that while he would deplore a strike, that the matter was in my hands for such adjustment as could be made.

Acting Chairman COMMONS. Did you know of any other application to stockholders besides Mr. Haggin?

Mr. GRIER. There was a committee of two went down to see Mrs. Hearst at her home in Pleasanton, Cal. That was Mr. Bunney—Richard Bunney—and Pete Jurey.

Acting Chairman COMMONS. Were they employed here?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What were the representations to Mrs. Hearst, as far as you know?

Mr. GRIER. Well, I could not tell you very definitely, but she suggested to them just about what Mr. Haggin suggested to Mr. Kirwin, that the matter was in my hands and she wouldn't interfere.

Acting Chairman COMMONS. Had you had any other dealings with representatives of the organization before this notice? You have spoken of the eight-hour and small grievances about the hospital. Were there any other claims that came up; for example, was there any complaint you had to make against the way in which the union was being conducted during those 20 or 25 years?

Mr. GRIER. When efforts were made by officers of the committee, of the local union here, to increase their strength numerically, they did just what the federation did—they intimidated and made threats of personal violence; and not only made threats, but executed them. I addressed a letter to the president of the union at that time, whose name was Fisher——

Acting Chairman COMMONS. That was in the summer after Tracy had come?

Mr. GRIER. No, sir; that was a long time before that.

Acting Chairman COMMONS. Do you remember the date?

Mr. GRIER. I can give you the date. [Examines papers.] On the 19th of March, 1903, I wrote to Mr. Fisher, president of the Lead City Miners' Union, as follows:

"My attention has so often been called to the acts at various times of personal violence offered by members of your association to certain employees of this company simply because the latter did not wish to become members of the former, that I wish to ask if such acts were duly authorized and approved at legal meetings of your association?

"It is complained that each act has been committed by a large number of members of your association operating jointly against one employee of this company under cover of darkness, making identification of the attacking party by the lone man more or less difficult. May I ask the favor of a written reply on Tuesday, the 24th instant?"

It seems that I gave him five days to answer. I don't know why. In response to that I have a letter of the same date, March 19:

Mr. T. J. GRIER,
Superintendent Homestake Mining Co., Lead, S. Dak.

DEAR SIR: Your letter of March 19, addressed to J. B. Fisher, president of this union, was referred to the undersigned committee. As you understand, this union is organized for the mutual benefit of its members, both financially and otherwise. To that end we have paid out in sick benefits and are paying now more money than we receive in dues, and to keep this union up financially we do ask and urge each and every man working in and about different mines to join our union for their own benefit as well as ours. We experience no difficulty with the old reliable worn and tried men, but, on the contrary, the young, strong, and men who are well able to bear their share of the burden are the men that is making all the trouble. This union has at no time authorized the forci-

ble action referred to in your letter, but where men when civilly approached to join this union have insulted the parties so asking them and have stated that they had so much influence with the officials of the company that employed them that they did not have to join the union, and generally make themselves abusive, there is no doubt but what they have been coerced.

Yours, respectfully,

THOMAS J. RYAN,
JOSEPH SCOTT,
RICHARD BUNNY,
Committee.

Acting Chairman COMMONS. What action further was taken in 1903 on that; did that close the incident?

Mr. GRIER. It closed the incident, I guess, for the time being.

Acting Chairman COMMONS. Now, what was your objection to considering the proposition coming from the union in the way in which this one came to you?

In the first place, you say the union in 1909 did not make any formal request upon you for an agreement that you employ only union men. That was the situation; that is, the first that you knew of it was this notice that you saw?

Mr. GRIER. That was the first definite information that I had that the Western Federation intended to take that action.

Acting Chairman COMMONS. Then did Mr. Tracy or other representatives call upon you at any time prior to the November term of court when you shut down—did they call upon you, any representatives of the organizations?

Mr. GRIER. I don't think any member of the local union or the Western Federation called on me at any time until after that publication.

Acting Chairman COMMONS. Until after the publication of their notice. Their notice was published October 25?

Mr. GRIER. October 25, 1909, I think.

Acting Chairman COMMONS. Yes.

Mr. GRIER. No; they never called on me.

Acting Chairman COMMONS. Did they call on you after that publication?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Between October 25 and November 24?

Mr. GRIER. No.

Acting Chairman COMMONS They did not?

Mr. GRIER. No.

Acting Chairman COMMONS. You published your notice on November 17, I think.

Mr. GRIER. November 17; yes.

Acting Chairman COMMONS. November 17?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And no one called on you after you had published your notice—representing the organization?

Mr. GRIER. After, did you say?

Acting Chairman COMMONS. Yes; after.

Mr. GRIER. Yes; after that publication of our notice, this committee consisting of Mr. Ryan, Mr. Kerwin, Mr. Joey, and Mr. Christianson.

Acting Chairman COMMONS. What was the tenor of their proposition to you at that time?

Mr. GRIER. Well, they wanted the Homestake Mining Co.'s notice withdrawn. I have a full account of the meeting here. That was what the federation called the Homestake's ultimatum, and which Mr. Kerwin telegraphed to Mr. Haggin to have withdrawn. My notice was on November 17.

Acting Chairman COMMONS. Yes.

Mr. GRIER. The meeting of this committee was November 21.

Acting Chairman COMMONS. Yes.

Mr. GRIER. There is a full record of it [handing paper to the commission].

Acting Chairman COMMONS. Was this record taken in shorthand?

Mr. GRIER. It was.

Acting Chairman COMMONS. You submit this as an exhibit?

Mr. GRIER. You may have it.

Acting Chairman COMMONS. Mr. Reporter, make note of that.

Mr. GRIER. The authenticity of it I don't think you can doubt, because it was published in full in the federation newspaper.

(The paper so presented was marked "Exhibit No. 4, Witness Grier, August 3, 1914."

See Grier Exhibit No. 4, under "Exhibits.")

Acting Chairman COMMONS. It was published in the federation newspaper; that is, it was jointly taken down by both sides?

Mr. GRIER. No.

Acting Chairman COMMONS. By your stenographer?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Well, Mr. Grier, suppose you just sum up the substance of what occurred at that place.

Mr. GRIER. Well, they went over the subject of unionism—the good that it was doing to the operating force of the Homestake Mining Co.—and announced their determination to unionize the camp, and asked for a withdrawal of the company's notice.

Acting Chairman COMMONS. In other words, they stood by their——

Mr. GRIER. Attitude.

Acting Chairman COMMONS. Their resolution?

Mr. GRIER. Yes; their resolution.

Acting Chairman COMMONS. They didn't offer to withdraw their resolution if you would withdraw yours?

Mr. GRIER. Oh, no; not at all.

Acting Chairman COMMONS. You considered that an ultimatum from them also?

Mr. GRIER. Oh, yes; I don't know how I could consider it anything else. They published it to the world.

Acting Chairman COMMONS. Will you examine this clipping which was furnished to me, which is marked advertisement? I presume that is something that is published by your company as an advertisement in the Lead papers?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And will you look at that one and see if that one also is?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And this also?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. We will mark these as exhibits, then.

(The papers so presented were marked "Exhibits Nos. 8, 9, and 10, Witness Grier, August 3, 1914."

The exhibits referred to, newspaper clippings, were submitted in printed form.)

Acting Chairman COMMONS. This first one entitled "Who began interference with the liberty of action of Lead workingmen?" That has been published by you continuously, daily, since the time of this trouble?

Mr. GRIER. I think it is still running.

Acting Chairman COMMONS. You consider that a running ad.?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. In what papers?

Mr. GRIER. In the Lead Daily Call.

Acting Chairman COMMONS. And the other one, the "History of Homestake shutdown"?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Marked "Advertisement," the same?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And this one which does not bear date, the clipping that I have, is a notice dated "Lead, S. Dak. To whom it may concern: In view of the fact, the mining industry in the Black Hills district is the source from which all of the other business interests in the said district derive their main support, and that said industry intends to establish permanently in said district what are commonly called nonunion labor conditions, it is respectfully suggested to all such other business interests that their actions should be vigorously in support of the aforesaid expressed intention." There follow then the names of the Homestake Mining Co., by yourself as superintendent, and a number of others. At what time was that first published, about at the time of this strike or of this clash?

Mr. GRIER. I think that was first published very soon after the mine shut down.

Acting Chairman COMMONS. And then apparently you requested or joined with the owners of other mines to take the same action?

Mr. GRIER. I did not request; they offered it.

Acting Chairman COMMONS. They offered to join in?

Mr. GRIER. To join in.

Acting Chairman COMMONS. And this advertisement was addressed to what business interests then?

Mr. GRIER. Well, I suppose——

Acting Chairman COMMONS. It is signed by all the mining interests, is it not?

Mr. GRIER. Yes; every other business interest that there was in the district.

Acting Chairman COMMONS. That is, all the mining interests. I wonder if all of these are—these are apparently all mining companies?

Mr. GRIER. Well, I think there is only three or four of them that operate to any extent at all.

Acting Chairman COMMONS. They are all small companies?

Mr. GRIER. Oh, yes.

Acting Chairman COMMONS. Are they all in the Black Hills district?

Mr. GRIER. Yes ,sir.

Acting Chairman COMMONS. What proportion of the total output of gold is turned out by the Homestake Co.?

Mr. GRIER. I guess about 90 per cent, fully.

Acting Chairman COMMONS. Then these others would turn out about 10 per cent?

Mr. GRIER. Or less.

Acting Chairman COMMONS. Or less?

Mr. GRIER. Yes.

Acting Chairman COMMONS. That is, if the Homestake turns out $6,000,000 a year, the others would turn out about $600,000?

Mr. GRIER. I don't believe they do that.

Acting Chairman COMMONS. Then, what other business interests besides the mining interests were in mind here?

Mr. GRIER. Well, the mercantile interests, or anybody that was engaged in business of any kind or character.

Acting Chairman COMMONS. The idea was that all union labor, no matter whether it was Western Federation of Labor or otherwise——

Mr. GRIER. Should cooperate.

Acting Chairman COMMONS. Should be put out of activity in this district?

Mr. GRIER. That was the intention; yes.

The object in doing that, Mr. Chairman, was because the labor unions—for instance, the barbers' union and the bartenders' union and various other unions belong to a different federation, or different federations—the musicians' union, too—and they were contributing to the Western Federation fund, out of which were paid strike benefits, so that it was thought that as long as contributions were being received from all other industries, all other federations, that the struggle would be prolonged just that much longer.

Acting Chairman COMMONS. Now, the result is that all of the other unions discontinued business here, as well as the miners' union, is that the situation?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is there any remnant of a miners' union in this district?

Mr. GRIER. About possibly a year ago, maybe a little bit longer or a little bit less, the Western Federation of Miners canceled the charters of all the unions in the hills—all miners' unions, excepting, I think, the Galena union—and in lieu thereof organized a district union, which they call No. 12.

Acting Chairman COMMONS. And how extensive is that organization; what mines does it have membership in?

Mr. GRIER. Well, the intention of the district union, like that organized by the western federation, is to draw into membership in the district union as many people in this district as they can get, and if they should succeed in becoming numerically strong enough, after a while, of course, they would become assertive.

Acting Chairman COMMONS. You consider that simply a nucleus?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Is its membership known or open?

Mr. GRIER. I don't know how generally it is known, but the information that I am giving you is correct.

Acting Chairman COMMONS. Do you know about how many members they have at the present time?

Mr. GRIER. I do not.

Acting Chairman COMMONS. I think we will take a recess at this time until 2 o'clock. It is the desire of the commission to continue the hearing this

evening at 8 o'clock. We will adjourn now, and, Mr. Grier, can you take the stand again at 2 o'clock?

Mr. GRIER. I think so.

Acting Chairman COMMONS. We will get through as rapidly as possible.

Mr. GRIER. All right.

Acting Chairman COMMONS. Much obliged.

(And thereupon, at 12.30 o'clock p. m., on this, Monday, the 3d day of August, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION.

The commission met pursuant to adjournment.

TESTIMONY OF MR. THOMAS J. GRIER—Continued.

Acting Chairman COMMONS. The commission will come to order. Mr. Grier, I think we were talking about the incidents during the fall of 1909 and the beginning of 1910. I think you said that by March 3 you had a sufficient force to operate all of the properties of the company?

Mr. GRIER. Yes, sir; at full capacity.

Acting Chairman COMMONS. What portion of them were old employees that came back to work, or what number would you say?

Mr. GRIER. A goodly number. I should think in the neighborhood of a thousand.

Acting Chairman COMMONS. A thousand of those who had gone out or who had belonged to the organization—the miners' union?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. About a thousand of them came back and gave back their cards?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. About what number are now employed who were former members?

Mr. GRIER. I don't think I quite understand the real meaning of the question.

Acting Chairman COMMONS. You said there were about a thousand that went to work on March 3, of those who had been in the miners' union prior to the October or November shutdown, and I was asking, of that thousand, how many are now employed?

Mr. GRIER. Practically all of them.

Acting Chairman COMMONS. You have about a thousand now who were former members of the union in your own employment here?

Mr. GRIER. I should think about that many; yes, sir.

Commissioner O'CONNELL. Hasn't the number been increased of the old employees since that time?

Mr. GRIER. Yes, sir.

Commissioner O'CONNELL. That is what I wanted to get at.

Mr. GRIER. Oh, yes.

Commissioner O'CONNELL. The number of former employees that were in the union—has it been increased over a thousand since the mines were started up?

Mr. GRIER. If a thousand is approximately correct, the number has been increased; yes, sir.

Acting Chairman COMMONS. Would you have any record of that in the employment office?

Mr. GRIER. Yes; the employment-office records will show—it can be picked out from to-day back until that time, March, 1910. That would be three years or more.

Acting Chairman COMMONS. Did you organize another association or union as a substitute for the one which was locked out; that is, did you form a new organization of any kind?

Mr. GRIER. No; we did not organize anything.

Acting Chairman COMMONS. The people that came in to take the places of the strikers—were they organized as an association in any way?

Mr. GRIER. No; they came and signed the card that the Homestake Mining Co. required them to sign and went to work; no organization was formed.

Acting Chairman COMMONS. Were there any legal proceedings during this trouble—any injunctions or court proceedings that were brought, arrests, or anything of that kind?

Mr. GRIER. The Homestake Mining Co. brought a suit against the miners' union for $10,000, I think for—well, I can't quote you the complaint. Mr. Keller probably has a copy of it.

Acting Chairman COMMONS. Mr. Keller.

Mr. KELLER. What is that, Mr. Chairman?

Acting Chairman COMMONS. The question is, What was the complaint in the suit that was brought by the company against the miners' union?

Mr. KELLER. Yes; I can get the pleadings if the board desire them and would care for them.

Acting Chairman COMMONS. Yes; if you will get them.

Mr. KELLER. Yes; I will.

Acting Chairman COMMONS. What was the complaint?

Mr. KELLER. The international was sued for damages for interfering with the men who desired to work, driving them from work and preventing them from going to work.

Commissioner GARRETSON. Coercing the employees?

Mr. KELLER. That is the substance of it. It was never brought to trial. In fact, I think the issues were never framed, and it has stayed that way ever since. I do not think the records or anything of that kind will add much.

Commissioner GARRETSON. Was a writ filed on the other side, presumably a writ of demurrer, asking for the filing of specific instances?

Mr. KELLER. No.

Commissioner GARRETSON. By the company?

Mr. KELLER. No; not that I recall. Simply a demurrer. My recollection is the defendants demurred on the ground that the complaint did not state facts sufficient to constitute a cause of action, and neither side ever forced it to argument.

Commissioner GARRETSON. But it called for an amended writ on your part, alleging specific instances, did it not?

Mr. KELLER. That is not my recollection. It would be very easy to find out.

Commissioner GARRETSON. I should imagine that was easily determined.

Mr. KELLER. Yes.

Commissioner GARRETSON. And the action dropped from that?

Mr. KELLER. Well, the action had never been formally dismissed, Mr. Garretson. They were simply placed upon demurrer, and that was all that was ever done in either suit. It never has been disposed of.

Commissioner GARRETSON. And the chances of a resurrection are——

Mr. KELLER. Well, they are nil.

Commissioner GARRETSON. Nil?

Mr. KELLER. That really answers it. That was the only piece of litigation which the Homestake had, except some—well, that is the only piece the Homestake, as such, has.

Acting Chairman COMMONS. Can you furnish us a copy of the cards that you use in keeping the records of the men, the employees?

Mr. GRIER. It is a blank card, just an index card; no form; and the man's name and the time he goes to work, and if he is relieved from duty, the reasons therefor, and if he returns to the service. And if he returns and applies for service, we have this card, showing his record while he worked; and if it is satisfactory, there is no objection to his resuming work when there is a chance for him, an opening.

Acting Chairman COMMONS. How far back do these records go? Is it back to the beginning of the company's existence?

Mr. GRIER. Back, I think, to the establishment of the employment office, about 10 years.

Acting Chairman COMMONS. The employment office was established about that time?

Mr. GRIER. Was established then. Prior to that time each head of a department employed his own men.

Acting Chairman COMMONS. And the records, then, start with that time?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. It was all put under one head?

Mr. GRIER. One head; in one man's hands.

Acting Chairman COMMONS. Will we have an opportunity to look over some of these cards and see the character of notes or memoranda that are made or recorded there?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Could you bring some over, so that we could examine the character of the memoranda that are made?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Can you, Mr. Grier, give us any information regarding the cost of house rents in Lead, about the amount of rent per month that employees of different classes pay for rent—for house rent here?

Mr. GRIER. A large number of the employees of the Homestake Mining Co. own their own homes.

Acting Chairman COMMONS. About what proportion, would you say?

Mr. GRIER. Well, I could hardly state to the commission. The question of rentals may be had quite accurately from men who are engaged in the business of renting, and I notice that one of them is here present in the room now, Mr. Curran.

Acting Chairman COMMONS. Have we got his name down on our list?

Commissioner GARRETSON. Curran, yes; city commissioner.

Acting Chairman COMMONS. Well, with your permission, Mr. Grier, as we have Mr. Curran on our list——

Mr. GRIER. Certainly.

Acting Chairman COMMONS. Is Mr. Curran present?

Mr. CURRAN. This is Mr. Curran.

Acting Chairman COMMONS. Mr. Curran, you heard the question that was asked of Mr. Grier about what the rentals are that miners and helpers and laborers are paying for their houses?

Mr. CURRAN. Well, the rents of houses—a pretty good house rents for $15. We rent houses from $7 up—from $6 up—that will average a pretty fair house; from fifteen and then on up to twenty, twenty-two, and to twenty-five. Twenty-five is about the limit.

Acting Chairman COMMONS. About the highest rent?

Mr. CURRAN. And there isn't hardly any men working at laboring work that rents a $25 house.

Acting Chairman COMMONS. About what rents do the $3 men pay?

Mr. CURRAN. Well, they pay about fifteen—twelve to fifteen.

Acting Chairman COMMONS. And what would the men——

Mr. CURRAN. Some a little higher; maybe run to sixteen or eighteen.

Acting Chairman COMMONS. They pay from twelve to eighteen dollars?

Mr. CURRAN. Yes, sir; yes; from eight up to——

Acting Chairman COMMONS. What is the equipment of these houses in the matter of water, light, and so on?

Mr. CURRAN. There is gas and electric lights, city toilets, city water in mostly all the houses that run to $15.

Acting Chairman COMMONS. That is, the $15 house and above would have these?

Mr. CURRAN. Yes, sir.

Acting Chairman COMMONS. And those below fifteen would not?

Mr. CURRAN. Those below fifteen might have city water, but no toilet in the house, you know.

Commissioner O'CONNELL. Would the $15 have a bathroom?

Mr. CURRAN. No, sir; no.

Commissioner O'CONNELL. How high would you go to get a bathroom?

Mr. CURRAN. Well, to get a modern house you have got to go from twenty to twenty-five—twenty-two. There might be some few rented at a little less, maybe $18.

Acting Chairman COMMONS. A $15 house would have how many rooms?

Mr. CURRAN. Well, some of them four and some of them five; the location in the city, you know, close in, makes the difference on the rental with the same combination.

Acting Chairman COMMONS. On the average, you would say, then, apparently about $4 a room per month is the rent?

Mr. CURRAN. Well, no; it would not average that, I guess.

Acting Chairman COMMONS. Well, what would you say, then, $3.75, about?

Mr. CURRAN. On an average, a four-room house, it would be probably about $14.

Acting Chairman COMMONS. For a four-room house, that would be $3.50 per room. That would be a house that would have water?

Mr. CURRAN. Yes, sir; some of them have toilets.

Acting Chairman COMMONS. What would they pay for water service?

Mr. CURRAN. Where it is modern, it is $2.50 per month; that includes toilet and bath.

Acting Chairman COMMONS. Two dollars and fifty cents?
Mr. CURRAN. Yes, sir.
Acting Chairman COMMONS. And without toilet and bath?
Mr. CURRAN. Well, without toilet and bath it is $1.50.
Acting Chairman COMMONS. How far back is your acquaintance with the business?
Mr. CURRAN. Well, I am in the rental business about 25 years in this town.
Acting Chairman COMMONS. What changes have taken place in the amount of the rents during that period; have they come down or up or how have they changed?
Mr. CURRAN. Well, there is not much change.
Acting Chairman COMMONS. $1.50, you said, was the minimum for water?
Mr. CURRAN. Yes, sir.
Acting Chairman COMMONS. That is a month?
Mr. CURRAN. Yes, sir.
Commissioner O'CONNELL. Eighteen dollars a year for water?
Mr. CURRAN. Yes, sir.
Commissioner O'CONNELL. Without bath?
Mr. CURRAN. Without toilet and bath.
Commissioner O'CONNELL. And it is $2 or $2.50 with it?
Mr. CURRAN. Two dollars for water in the house with toilet and $2.50 with bath.
Commissioner O'CONNELL. That is $36 for water?
Mr. CURRAN. It is $30 a year; yes, sir.
Commissioner O'CONNELL. Thirty dollars a year for water with bath?
Mr. CURRAN. Yes, sir; private bath.
Acting Chairman COMMONS. That is about what it has been for 20 or 25 years?
Mr. CURRAN. Well, in the early days we did not have any bath or any toilet—did not have water in the houses, very few of them did. I kept house when I had to carry water two or three blocks to my residence. I paid $22 a month for a five-room house without any water, in 1886.
Commissioner O'CONNELL. What would a six-room house with a bath—what would that cost a person per year, say, in the immediate center, or residence section of the city?
Mr. CURRAN. In a good location of the town it would cost, with toilet and bath, $25 for a six-room house.
Commissioner O'CONNELL. That would be $25 and $2.50 additional for water?
Mr. CURRAN. Yes, sir; $2.50 additional for water; some of them $25.
Commissioner O'CONNELL. What does the light run?
Mr. CURRAN. That is according to what you burn.
Commissioner O'CONNELL. Well, the general average, for instance, of a six-room house?
Mr. CURRAN. Most of these houses I think the minimum rate would be about $1.50, something like that.
Acting Chairman COMMONS. What is the rate per thousand for gas?
Mr. CURRAN. It is $1.60; 10 per cent off.
Commissioner O'CONNELL. What is your electric light?
Mr. CURRAN. The electric light—now, I am not prepared to answer that just exactly. I know about what it costs at my residence; it is according to what you burn; they have different rates.
Commissioner O'CONNELL. They have a minimum rate, of course.
Mr. CURRAN. Yes.
Commissioner O'CONNELL. They have a meter charge?
Mr. CURRAN. You mean——
Commissioner O'CONNELL. Do they have a meter charge?
Mr. CURRAN. They do have.
Commissioner O'CONNELL. In some cities they have a regular minimum charge, and then a charge for the meter.
Mr. CURRAN. They charge $5 for the meter in houses that are rented.
Commissioner O'CONNELL. Five dollars a year?
Mr. CURRAN. No; that is a bonus that you put up. If you pay your electric-light bill, you get your $5 back when you move out.
Acting Chairman COMMONS. What is the cost of building a house of that type on the average?
Mr. CURRAN. What do you mean? A six-room house?
Acting Chairman COMMONS. Yes; a house that would rent for $25.

Mr. CURRAN. Well, I think to build a house, a six-room house, that is modern—of course it is according to the kind and style—I don't think you can build one for $2,500.

Acting Chairman COMMONS. A house that would rent for $15, what would that cost?

Mr. CURRAN. Well, the value of those houses that rent for about $15 would be probably about $1,600 or $1,800, and maybe $2,000.

Acting Chairman COMMONS. Has the cost of building gone up in the last 10 or 15 years?

Mr. CURRAN. That would include the lot, you know.

Acting Chairman COMMONS. The price that you gave included the lot?

Mr. CURRAN. Yes; generally

Acting Chairman COMMONS. How much did you figure the lot?

Mr. CURRAN. Oh, I would figure these lots about $500, $600, $800, according to the location and locality.

Acting Chairman COMMONS. That is a person putting up a $2,500 house would pay out of that $1,000, would he, for the lot, you mean?

Mr. CURRAN. No.

Acting Chairman COMMONS. In addition to the $2,500? He would pay $1,000 for the lot?

Mr. CURRAN. No; you could not get a house for $2,500 and a lot that would rent for that.

Acting Chairman COMMONS. Thirty-five, you mean?

Mr. CURRAN. A five-room house would cost, I should think, in the neighborhood of about $2,000 to build the house, and maybe more. It is according to the style of the house you build, you know.

Acting Chairman COMMONS. Well, take the same style of house.

Mr. CURRAN. Built reasonably; about as cheap as you can build.

Acting Chairman COMMONS. Take that same style of house. How much as the cost gone up? What would it have cost 15 years ago, a $2,000 house of the same kind?

Mr. CURRAN. Well, the lumber at that time was a good deal less than it is to-day—probably $10 to $12 a thousand, and some of it more, some of it a good deal less than that. Labor at that time was not any higher than it is now. I think it was cheaper. They worked 10 hours instead of 8 at that time. There was no value on the lots like there is to-day. It was not near as high. I think in those days you could build a house for $1,500 that you could not build to-day for less than $2,300 or $2,500, and maybe more.

Acting Chairman COMMONS. Well, has the cost of building a house gone up about 40 per cent, do you believe?

Mr. CURRAN. I should think that would be near about right.

Acting Chairman COMMONS. Well, you think the lots—the rents have remained stationary, have not gone up in the same way?

Mr. CURRAN. There has not been much advance in rents that I know of for the same quality of house; the rents have been about the same.

Acting Chairman COMMONS. When a person builds a house, how does he finance it? He buys the lot first, and then can he borrow at the bank or how can he get finances?

Mr. CURRAN. Yes; a man with a good lot can get money enough to put the house on it—a reasonable house.

Acting Chairman COMMONS. If he is able to pay for the lot, then he can get the money for the building of a house, can he?

Mr. CURRAN. Yes, sir; if a man has got a good lot and is a good man, he can get money at 8 per cent to build his house.

Acting Chairman COMMONS. Now, Mr. Grier, what proportion did you say—or did you say what proportion you thought of your employers were house owners?

Mr. GRIER. No; I did not say, and I really would not like to guess.

Acting Chairman COMMONS. You wouldn't like to guess. Would you know, Mr. Irwin, what proportion of your employees are house owners?

Mr. IRWIN. I think 50 per cent or over; possibly 60.

Acting Chairman COMMONS. And the rest would be——

Mr. IRWIN. I think single men.

Acting Chairman COMMONS. You say most of the married men are house owners?

Mr. IRWIN. Yes.

Acting Chairman COMMONS. And the single men, of course, would not be. Mr. Grier, do these tenants, or do these home owners, build on this property that you described a moment ago, or this morning, rather, on which they get a surface title, or do they build on property that is owned by the mining company?

Mr. GRIER. Originally, many years ago, when this compromise was entered into between the mineral claimants and the town-site people, the policy of the company was to issue a permit to its employees only. Employees who built in those days, many of them are here now; some of them have drifted away and when they went away they sold their house to another and had the permission to occupy the land which they held transferred to the person that they sold the house to. So that there are quite a good many homes in Lead now occupied by people who do not work for the Homestake Mining Co.

Acting Chairman COMMONS. But they have a permit?

Mr. GRIER. On a permit.

Acting Chairman COMMONS. These permits they have transferred?

Mr. GRIER. Transferred to them.

Acting Chairman COMMONS. Is that permit considered marketable? Can they sell it to some one else, a successor?

Mr. GRIER. Well, they transfer the permit and sell the home erected on the land for which the permit is issued, and I suppose count, in the price they ask for the property, something to represent the lot.

Acting Chairman COMMONS. Well, now, this permit is revocable, I think you said, at the will of the company?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. It is not like these other titles where you can not be revoked only in case of the undermining—that is, in those which are to have surface title they give up the house in case mining operations undermine the house?

Mr. GRIER. The permits that were issued for building purposes outside of the town site, which was involved in this litigation, are revocable at the will of the company, but the company does not have to engage in underground operations to call for vacating the land. But those conditions have prevailed here for 30 years and the company has not found it necessary to issue any notice revoking the permits.

Acting Chairman COMMONS. Well, when this lockout occurred there was apparently about a thousand men left the community and a thousand that remained. Those thousand that left, some of them probably had houses built on these permits. Do you know what methods they followed to dispose of their holdings when they left?

Mr. GRIER. I think some of them still own their property, rented it out when they went away, and some sold, transferring the permit with the sale of the home.

Acting Chairman COMMONS. And the company did not in any case exercise its right to revoke that permit in the case of those who left?

Mr. GRIER. The Homestake Co. has never issued an order revoking a permit.

Acting Chairman COMMONS. Never revoked a permit?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Of the 50 per cent, we will say, who are employed, what proportion of those would be on these lots which have a permit title; half of them?

Mr. GRIER. Within the original town site, which was the subject of litigation, the houses, I think, are very much closer together. I don't know whether half of them would be outside or less than half. There are a goodly number within and without the original town site. There are about 8,000 people in the town.

Acting Chairman COMMONS. Are there employees of the company living outside of the corporate limits of the town of Lead?

Mr. GRIER. Well, the company has a pumping station over on the East Fork of Spearfish Creek, which is 10 miles from Lead. Of course, they are outside of the city limits. It has a light plant at Deadwood, which, of course, is outside of the corporate limits of Lead.

It has a hydroelectric power plant down on the main Spearfish Creek, and of course they are outside of the corporate limits of Lead.

Out in the timberland, where the timber and lumber are manufactured—that is, outside of the corporate limits but within walking distance, you might say,

of the corporate limits of Leads—there are a few, I think, that are not living on the company's land.

Acting Chairman COMMONS. They are not living on it?

Mr. GREIR. No, sir.

Acting Chairman COMMONS. These that are outside are in some cases living on the company's land with permits, are they?

Mr. GRIER. In some cases; yes; and in some cases no.

Acting Chairman COMMONS. Then you think about half are living—half of these home owners are living on property which they hold by permit, and half got their titles in other ways?

Mr. GRIER. I think so.

Acting Chairman COMMONS. Have you paid attention to the cost of living apart from house rent of the employees in the town of Lead, food and clothing, during the last 15 years or so?

Mr. GRIER. Well, yes, sir; I have paid some attention to it. The cost of food is less than it was 10 years ago and prior to that time, if you will except meat. Clothing is a trifle higher, and boots and shoes a trifle higher, but I think the increased price on boots and shoes and clothing will be more than offset by the lesser cost of foods outside of meat.

Acting Chairman COMMONS. By other food, you mean flour?

Mr. GRIER. I mean ordinary grocery supplies in the house.

Commissioner O'CONNELL. Flour and potatoes are less now, you say, than they were 10 or 15 years ago?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. How are fresh vegetables brought into this town. Apparently there is nothing grown here to amount to anything.

Mr. GRIER. I have seen a good many little gardens around here. I have one myself with beans and peas and cauliflower growing in it. The main supply, I should say, comes from the valley of Spearfish and Sturgis and other towns within 10 or 15 or 20 miles.

Acting Chairman COMMONS. It is brought into town from that distance?

Mr. GRIER. Yes, sir. Now, Mr. Chairman, if you will excuse me for suggesting, those things are susceptible of being shown more correctly probably by some of the grocery men in town than I can possibly give them to you.

Acting Chairman COMMONS. What I was getting at is whether you had made any inquiry on your own account as to the change that has occurred during those years.

Mr. GRIER. Well, I think the conditions are very near like what I have represented them to be.

Acting Chairman COMMONS. You haven't made any definite inquiry?

Mr. GRIER. Well, I have in a way. I haven't gone and asked the price of sugar and tea and coffee and salt and pepper and all those things, but in a general way the grocery bill of the home, outside of meat, I think, is decidedly less than it was 15 or 20 years ago.

Acting Chairman COMMONS. And you think the higher price of meat is offset?

Mr. GRIER. By the lower price of groceries.

Acting Chairman COMMONS. Is this reduction brought about by improved transportation and cheaper vegetables?

Mr. GRIER. Well, there is no question probably but what some of it is. In the early days, you know, we hauled everything in here on wagons two or three hundred miles.

Acting Chairman COMMONS. That would not run back 10 years though, would it?

Mr. GRIER. No; our railroads have been in here more than 10 years.

Acting Chairman COMMONS. In general throughout the country there has been quite an increased cost of living in all these items which you mention, I think.

Mr. GRIER. Well, I would not confound the increased cost of living with the increased—or with the cost of the articles that they live on. There are various other things that make the increased cost of living increase. I think the increased cost of living may be found to be started by the buyer for the house. You may go into the kitchen and into the dining room and out to the garbage can and in quite a material degree account for the increased cost of living.

Acting Chairman COMMONS. Well, I am speaking solely of the prices for staples, for units, recognized units generally, the cost of living on staples of that kind has gone up 30 to 40 per cent in the last 15 years generally, regardless of the change in wastefulness?

Mr. GRIER. People are living better to-day than they did 10 years ago, 15 years ago, 20 years ago; they demand more.

Acting Chairman COMMONS. Would there be any reason in Lead besides the cost of transportation that would reduce the cost of living; that is, the prices they pay for the same articles as compared with what they used to be?

Mr. GRIER. In their cost than the cost of transportation?

Acting Chairman COMMONS. Yes.

Mr. GRIER. Well, the first cost might make a difference, but I am speaking of the prices at retail, which here in Lead for food is less to-day, outside of meat, than it was 20, 15, or 20 years ago.

Acting Chairman COMMONS. The Homestake Co. has no definite financial relations with the Hearst department store or mercantile company?

Mr. GRIER. Nothing whatever.

Acting Chairman COMMONS. What do they deal in, all kinds of groceries and——

Mr. GRIER. It is a general department store, groceries and dry goods and clothing and hardware and—well, almost everything any community would need.

Acting Chairman COMMONS. Well, an employee of the company can get credit there, can he?

Mr. GRIER. He can.

Acting Chairman COMMONS. For how long a time?

Mr. GRIER. Well, in very many cases I know where the credit has been extended a year for them. If a man was building a home, furnishing it, it could not be expected that he would pay at his first pay day. He was given, if he was a good man, almost as much time as he wants, paying for it in installments monthly.

Acting Chairman COMMONS. That is, he would pay part of his grocery bills there and get credit for the rest?

Mr. GRIER. Yes.

Acting Chairman COMMONS. And the security that he gives is his wages at the Homestake Co.?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. How is the account kept between the Homestake Co. and the mercantile company on the credits?

Mr. GRIER. There is no account between the Homestake Mining Co. and the Hearst Mercantile Co. If a man wants credit to help him build or furnish or improve or change his home and he is worthy of credit, the Hearst Mercantile Co. has for many years extended that credit. In turn the man gives the Hearst Mercantile Co. an order to go to the Homestake Mining Co. and draw his check at the end of the month, the understanding being that, oh, five, ten, fifteen, or twenty dollars a month shall apply on the credit that is extended over and above his living expenses. And there are cases where the account has run on for one or two or three years.

Acting Chairman COMMONS. Well, then, the mercantile company assists men to build their homes, does it, in that way?

Mr. GRIER. It has in many instances.

Acting Chairman COMMONS. Does it make—it does not make advances or loans, does it?

Mr. GRIER. Why, yes, it does loan money. Every month there probably would be—[witness confers with Mr. Murrin]. More than I thought; four or five hundred men will probably call for five or ten or fifteen dollars in cash between the first and the end of each month.

Acting Chairman COMMONS. That is, they will borrow from the mercantile company five or ten dollars in cash?

Mr. GRIER. Yes; that is just charged into their bill.

Acting Chairman COMMONS. They just give an order on their——

Mr. GRIER. They give an order to the Hearst Mercantile Co. to go to the Homestake office and draw their checks on the pay day.

Acting Chairman COMMONS. Now, for their ordinary, current living expenses, how is that handled by the mercantile company?

Mr. GRIER. Well——

Acting Chairman COMMONS, Between pay days?

Mr. GRIER. A man or some member of his family goes to the store and gets what he wants, has it charged to him, and delivered to his home. At the end of the month he pays that account unless—he pays it in full unless he has been permitted to overdraw a few dollars, and if he has a balance coming to him it is given to him in cash.

Acting Chairman COMMONS. That is, he practically gives an order on the Homestake for his purchases during the month?

Mr. GRIER. He gives the store an order on the Homestake Mining Co. for his wages to secure the credit which was extended to him from one end of the month to the other.

Commissioner O'CONNELL. Suppose I work for the Homestake Co. and I run a bill for, say, $50 for the month at the store.

When I get my check from the Homestake Co., do I get a $50 or a $100 check, and you pay the $50 to the store?

Mr. GRIER. You don't get any check at all.

Commissioner O'CONNELL. I don't get any check at all?

Mr. GRIER. No. You give an order to the Hearst Mercantile Co. for your check, whatever it may happen to be, and then you go into the store and you have your account made out, receipted, and handed to you, and the difference between your account and the amount of your check is given to you in cash.

Commissioner O'CONNELL. In the store?

Mr. GRIER. Yes, sir.

Commissioner O'CONNELL. And all the employees who deal with the store have to go through that system before they get their cash from the company?

Mr. GRIER. They do it; yes, sir.

Acting Chairman COMMONS. It amounts to an assignment of their entire wages to the company, and the company then deducts?

Mr. GRIER. In deference to the man.

Acting Chairman COMMONS. Now, are all the employees of the company paid in that way through the Hearst mercantile store?

Mr. GRIER. No; not at all. There are a great many of the employees of the Homestake do not deal at the Hearst Mercantile Co.'s store at all.

Commissioner O'CONNELL. About what proportion?

Acting Chairman COMMONS. About what proportion would you say out of, say, the 2,500 employees?

Mr. GRIER. One-half of them probably deal at the store.

Acting Chairman COMMONS. That is, one-half don't have any accounts at this store, is that the idea?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS (addressing Commissioner Garretson). You wanted to ask a question?

Commissioner GARRETSON. When they get this money during the month, five or ten dollars, is the current rate of interest charged, or any interest?

Mr. GRIER. No interest is charged.

Commissioner GARRETSON. None.

Acting Chairman COMMONS. How about the prices charged at the store. Are you——

Mr. GRIER. I am not as familiar as Mr. Murrin, who is the manager of the store.

Acting Chairman COMMONS. Perhaps we might call on him about the prices charged and the change in prices since the store started. When was this store started, Mr. Murrin?

Mr. THOMAS D. MURRIN (manager of Hearst Mercantile Co., Lead, S. Dak.). 1878–79. During that winter, I believe.

Acting Chairman COMMONS. Now, going back over a period of 15 years, what is your observation about the cost of living in the sense of taking identical articles and the prices charged during that period?

Mr. MURRIN. The tendency of the prices on staples, I would say, in the course of 10 or 15 years is a little lower to-day than it was 15 years ago.

Acting Chairman COMMONS. By staples, what do you mean?

Mr. MURRIN. Ordinary articles of food, meats excepted.

Acting Chairman COMMONS. How about fresh vegetables?

Mr. MURRIN. Well, we depend upon local markets and we are not subject to any outside influence. If we raise a crop here, the price is uniform all the year around.

Acting Chairman COMMONS. You buy it direct from the farmers?

Mr. MURRIN. Yes; local growers.

Acting Chairman COMMONS. And sell it direct?

Mr. MURRIN. Yes, sir.

Commissioner O'CONNELL. We don't want to go back, we won't go beyond when there was not proper transportation facilities for bringing things in here.

Mr. MURRIN. Yes; sir.

Commissioner O'CONNELL. But a period when you had proper transportation, whether that be 8, 10, or 12 years ago, whatever it was. When that proper transportation existed, we will say 10 years ago, what was the price of ordinary potatoes at that time?

Mr. MURRIN. Ten years ago the nominal price retail here would be 75 to 90 cents.

Commissioner O'CONNELL. What are they now?

Mr. MURRIN. Right to-day they are probably half new crop; we are, understand, just in between two markets. We are getting new potatoes.

Commissioner O'CONNELL. Take the same period in the other years.

Mr. MURRIN. Well, say the same period——

Commissioner O'CONNELL. Flour.

Mr. MURRIN. Flour is less now than it was 10 years ago.

Commissioner O'CONNELL. Less now?

Mr. MURRIN. Yes.

Commissioner O'CONNELL. Tea, coffee?

Mr. MURRIN. Coffee is slightly higher; sugar less. Tea is about the same.

Commissioner O'CONNELL. You have a most remarkable situation here, that is all, if true, contrary to all experience of the best authorities we have in the United States, who say that the cost of living has increased 59 per cent in 10 years.

Mr. GRIER. That would not necessarily be the cost of the things you live on.

Commissioner O'CONNELL. Oh, yes; absolutely; not of waste, not of people cooking and throwing it out in the ash barrel or something, but the actual cost of things, what you pay in money; that is United States Government statistics. All of the authorities we have say 59 per cent.

Acting Chairman COMMONS. Mr. Garretson has a question.

Commissioner GARRETSON. Mr. Murrin, have you paid any attention to the tables of statistics as prepared by the Government on 18 articles of food supplies?

Mr. MURRIN. I have read them several times, sir.

Commissioner GARRETSON. Are you familiar that the results they show on the same amounts in 1890 and the same amounts to-day, that is, the family consumption the same then and now——

Mr. MURRIN. I could not recall it from memory; no, sir.

Commissioner GARRETSON. Are you aware of the fact that the average of those 18 articles forming the staple amount that a common laboring family buys shows a 59 per cent increase?

Mr. MURRIN. I am aware it shows an appreciable increase; yes, sir.

Commissioner GARRETSON. That is the average; 50 per cent?

Mr. MURRIN. Yes, sir.

Commissioner GARRETSON. What is it carries Lead so thoroughly out of the category of the average of the entire United States; have you any idea?

Mr. MURRIN. No, sir; but there has been some question raised as to the accuracy even of the Government statistics.

Commissioner GARRETSON. Then, one of two things only would explain. Either the normal transportation was excessive, or the price was unreasonable, or the present one is unreasonably low; wouldn't that only explain it?

Mr. MURRIN. That would explain it.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Mr. Grier, regarding the hospital arrangements here and the aid society, prior to this lockout I think you stated that the miners' union had a benefit system of some kind, and they apparently brought that up as one reason or one of their points. Did they have a benefit system?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Do you remember the details of that benefit system; what dues they paid and what the benefits were?

Mr. GRIER. Why, I think the dues were $1 a month, but I wouldn't undertake to say what the benefits were.

Acting Chairman COMMONS. Did it include hospital services, medical services, as well as financial payments, do you remember?

Mr. GRIER. No, sir; I don't know.

Acting Chairman COMMONS. At what date did you begin your aid association here; was it following March 3 when you began?

Mr. GRIER. August, 1911.

Acting Chairman COMMONS. During the intervening time, then, there was no benefit association here?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. Would you describe to us the benefit system, and perhaps I can ask the questions. There are one or two points I would like to get. The payments made by the employees are how much per month?

Mr. GRIER. One dollar each.

Acting Chairman COMMONS. One dollar for each employee. Do all employees of the company pay that?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is that a part of their contract of employment?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. That is paid into a fund which is kept by yourself as treasurer?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What is the surplus that has been accumulated?

Mr. GRIER. I think $35,000 in round numbers.

Acting Chairman COMMONS. In the course of three years, it has been running just three years?

Mr. GRIER. August, 1911, to the present time will be three years.

Acting Chairman COMMONS. Do you know what claims are outstanding that should be deducted from that?

Mr. GRIER. From the surplus?

Acting Chairman COMMONS. Yes, sir.

Mr. GRIER. There are none.

Acting Chairman COMMONS. All claims have been paid?

Mr. GRIER. When I say $35,000, I mean in round numbers. I think that is at the close of business for June.

Acting Chairman COMMONS. At the end of June?

Mr. GRIER. Yes; the accounts for July are not written up yet; they will be in a few days.

Acting Chairman COMMONS. If an employee is killed in an accident, he is paid $1,000 from that fund, is he, or his family or dependents?

Mr. GRIER. Yes, sir; $1,000 for death by accident.

Acting Chairman COMMONS. And for sickness?

Mr. GRIER. Death from sickness, $800.

Acting Chairman COMMONS. Do you have many cases of consumption, miners' consumption?

Mr. GRIER. We have so-called miners' consumption.

Acting Chairman COMMONS. What record is kept of that? Who keeps the record?

Mr. GRIER. The hospital.

Acting Chairman COMMONS. Have you that record with you so that we could refer to it?

Mr. GRIER. No, sir; I have not. Dr. Clough was here this morning; he might get it.

Acting Chairman COMMONS. In the case of sickness, what is paid by the day or by the week?

Mr. GRIER. The rate is $1 a day.

Acting Chairman COMMONS. Well, then, the medical service is entirely additional, free—furnished free?

Mr. GRIER. Yes, sir; free.

Acting Chairman COMMONS. Then, in case a person has consumption and loses work on that account, he would be paid $1 a day during his sickenss. Would that amount be deducted from the $800 which goes as a death benefit?

Mr. GRIER. No, sir.

Acting Chairman COMMONS. He would get that in addition?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Do the employees carry insurance in other companies to any extent?

Mr. GRIER. I think they do. There are quite a number of fraternal organizations here which have insurance departments.

Acting Chairman COMMONS. Fraternal?

Mr. GRIER. Yes; fraternal organizations. And, in addition to that, I think some of the old-line companies have policies here. I do not know to just what extent.

Acting Chairman COMMONS. Did you get those cards, Mr. Irwin?

Mr. IRWIN. They are bringing them up now.

Acting Chairman COMMONS. You have figures on accident work, I understand, which show the results that have been brought about through your safety work, accident records for four or five years?

Mr. GRIER. We have. Is that the hospital report you asked for?

Acting Chairman COMMONS. Yes; the hospital report.

Mr. GRIER. Well, we have that report made on the first of each year, or immediately after the close of the year.

Acting Chairman COMMONS. I think you furnished us with figures showing us the daily rate of pay. Have you tables which would show the earnings of each employee during the year, what his payments were he received for working through the year?

Mr. GRIER. Two years ago the company began the disbursement, at the close of the year, of a bonus of 7 per cent upon the amount of money earned by each employee. That pay roll would show you exactly what each employee in the service of the company earned. I have not got that with me.

Acting Chairman COMMONS. We will find that in the office?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. In Mr. Irwin's office?

Mr. GRIER. No; in the general office.

Acting Chairman COMMONS. In the general office?

Mr. GRIER. Yes.

Acting Chairman COMMONS. Is that bonus paid each year?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. At the end of the fiscal year.

Mr. GRIER. At the end of the calendar year.

Acting Chairman COMMONS. To all employees?

Mr. GRIER. To everybody in the service of the company.

Commissioner O'CONNELL. Is it made up by the month, or does the employee have to work the full year?

Mr. GRIER. It is made up at the close of each calendar year, and applies to all employees whose names are on the pay roll for the month of December.

Acting Chairman COMMONS. Even only they had been working only a month they get their share of the bonus?

Mr. GRIER. Yes.

Acting Chairman COMMONS. The employment in your business is very steady, I take it. You are operating without being subject to panics and depressions. What do you consider the average number of days that a man can work during the year?

Mr. GRIER. He is at liberty to work 365 days—except the Fourth of July, Christmas, and New Year——

Acting Chairman COMMONS. Well, about how many?

Mr. GRIER. And some other holidays.

Acting Chairman COMMONS. About how many days has he actually put in, or have you made any compilation of that?

Mr. GRIER. No; I have not.

Commissioner O'CONNELL. Have they always had that condition, that they were running 365 days a year?

Mr. GRIER. Yes.

Commissioner O'CONNELL. All departments?

Mr. GRIER. All departments. Well, there are some of the departments that lay off on Sunday in part. I think quite a number of the foundry men lay off; quite a number of the assay-office force lays off; quite a number of the engineering force lays off; and at the mine if a man wants to lay off on Sunday all he has to do is to tell his shift boss Saturday afternoon when he quits work that he won't be around the following day.

Commissioner O'CONNELL. Suppose they all took a notion to do that, what would be the result?

Mr. GRIER. If they took the notion and put it into effect, they would all be off.

Commissioner O'CONNELL. What would be the result?

Mr. GRIER. They have had the opportunity on several occasions to lay off if they wanted to.

Commissioner O'CONNELL. If they want to?

Mr. GRIER. If they want to.

Commissioner O'CONNELL. Do they want to work on Sundays?

Mr. GRIER. They do; 99 per cent of them.

Commissioner O'CONNELL. Why?

Mr. GRIER. Ask them. Twenty-five or thirty years ago, in the formation period of everything around about this industry, town, camp, and district, two young men came in to me, baseball enthusiasts, seeking employment from the Home-

stake Co. They came to me and asked if they organized two baseball clubs, if the boys in the mine would be permitted to lay off one Sunday, so that they could go and enjoy the game. I told them "Yes." They organized two clubs, graded off a baseball diamond at the east end of town, erected a grandstand and bleachers, and after some practice announced their readiness to give an exhibition. The boys in the mine laid off and attended the game. I suppose that, like everybody else taking a holiday, they spent 25 cents or 50 cents, or maybe more, for cigars, a glass of beer, or whatever their taste called for. That thing went on for six weeks about. When their pay day came, which was about the middle of the month, I do not recall the date, they found that their check was short as many Sundays as they laid off multiplied by their wages for the day. They had not realized that that would occur up to the time they got their checks. They then made up their minds that inasmuch as they changed shifts every month they would have a chance to see the baseball game in the afternoon four Sundays in the month, and then they would not see it for the next month that they were on opposite shifts; so they concluded that they did not want any more laying off on Sunday and asked if they might not resume work. I told them yes.

In 1910 our working force was reorganized after the lockout, or whatever it was. A large number of the men who came here from outside camps complained to the employment office about being compelled to lay off Sunday and asked—complained and said that if they had known that they were to be laid off they would not have come here because that was one of the reasons that brought them here—they understood the work was continuous. The reason for laying them off was that we had too many men and all of the reservoirs of the mine were overflowing with ore all the time, and it was really necessary to lay off and let the supply run lown. The remedy for that was a reduction in the operating force of the mine which was accomplished gradually. The result was that it was found necessary for the men to work on Sunday.

Commissioner O'Connell. Is that usually the sentiment of the town here, to work on Sunday? I noticed Sunday right opposite your hotel, next to your store, some building trade work, somebody hammering and riveting on Sunday afternoon as though it was the middle of the week. Is there any occasion for that sort of thing in the city?

Mr. Grier. You will have to ask the contractor. The building is being erected by contract. So far as the Hearst Mercantile Co. are concerned, the contractor did not have to work unless he wanted to. And that is the second Sunday that he worked since he began operations. Why he did it I do not know.

Commissioner O'Connell. Well, you say ask the men why they work on Sunday. I understood you to say, Mr. Grier, that there had not been any change in the wage rate for the past 30 years in the conditions in the mine.

Mr. Grier. That is true.

Commissioner O'Connell. By the company. Now, is it because the men find it absolutely necessary to work on Sunday in order to maintain themselves in what they figure and consider reasonable living conditions here that they must work on Sunday to make both ends meet? Is that a possibility?

Mr. Grier. It is a possibility that I think the men could answer for themselves better than I can if they were called and given an opportunity.

Acting Chairman Commons. Commissioner Lennon would like to ask a few question.

Commissioner Lennon. Do you believe, Mr. Grier, that the best interests of industry are served by continuous work seven days a week—men, animals, or anything else?

Mr. Grier. Well, I wouldn't undertake to answer that question positively.

Commissioner Lennon. Does not the history of man show the necessity for that much rest?

Mr. Grier. The people here work 8 hours a day—that is, 8 hours out of 24—and they have 16 in which to rest and recreate. But we are rather an isolated community here. The advantages for recreation and pleasures of various sorts—sight-seeing and so forth—are not what you have in the large cities, where men have some place to go. Here they would stand around the streets, or, in the early days, time used to be spent in saloons and various other places.

Commissioner Lennon. What has been the trend of the moral uplift and progress of substantial civilization since mankind limited, in the main, their work to six days a week the world over?

Mr. GRIER. Well, I wouldn't like to answer that very definitely. You probably remember that verse in the Bible, which you will find in the twentieth chapter of Matthew, first verse; like the kingdom of heaven, this man, who was a householder, went out early in the morning to hire laborers in the vineyard, and he worked those men 12 hours a day and gave them a penny.

Commissioner LENNON. There is some doctrine taught in the early chapters of the Bible in the Old Testament in regard to the matter of seven days' labor, and my own experience has convinced me that six days is all a man ought to work. I mean, from the moral standpoint as well as from physical reasons. That is all I would ever work.

Mr. GRIER. I don't think the morals of this community are hurt by working seven days a week. I think they are benefited.

Commissioner LENNON. You do? That is all.

Acting Chairman COMMONS. Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. Yes; I want to ask a question right there. Do you believe the parable you referred to is of any greater force than the early verse that says, "Six days shalt thou labor and do all thy work?" Do you think God was figuring on 8 hours a day or 12?

Mr. GRIER. In the same chapter you will a verse that says, "Thou shalt not kindle a fire in thy house on the Sabbath day." Do you think that would apply to Alaska?

Commissioner GARRETSON. I don't know whether Adam lived in Alaska. If he did live in Alaska, I would suppose he could get along without a fire in Alaska. Which is of the most force, though?

Mr. GRIER. I don't know.

Commissioner GARRETSON. You don't?

Mr. GRIER. Well, if a man wants to work on Sunday, I don't think he should be denied the privilege.

Commissioner GARRETSON. Merely because God said he shouldn't; is that it?

Mr. GRIER. I didn't say that.

Commissioner GARRETSON. Well, that is what the book says God said; I don't know whether he did or not. I will admit possibly that the book says that he did. That is all on that subject, Mr. Chairman.

Acting Chairman COMMONS Any other questions?

Commissioner GARRETSON. Yes.

I understood you to say when this notice was published, signed by all the mining interests in the district, that it was for the purpose of discouraging and if possible abolishing unionism in the district. Did I understand you to say that it was successful, that unionism is a dead letter in the district?

Mr. GRIER. Not entirely.

Commissioner GARRETSON. Not entirely. Then it hasn't altogether had its purpose. There are men, are there, laboring men, union men, working in the district under agreement?

Mr. GRIER. I don't know, but I am quite sure there are some labor union men in the district.

Commissioner GARRETSON. Working under agreement with their employers?

Mr. GRIER. I don't know whether they have any agreement, either written or verbal.

Commissioner GARRETSON. Are you aware of the fact that every railroad employee in the train and engine service are union men working under agreement?

Mr. GRIER. Why, I didn't think of the railroads that are operating in the district.

Commissioner GARRETSON. Are they not quite an interest in here?

Mr. GRIER. Oh, yes; of course we could not do without them.

Commissioner GARRETSON. Those are all union men, are they not?

Mr. GRIER. I think so.

Commissioner GARRETSON. All working under agreement, written agreements, with their board?

Mr. GRIER. And high class, too.

Commissioner GARRETSON. Thank you; I am one of them. What is the practice of your company, or the policy of your company, in regard to betterments? Now, I am drawing the line sharply between maintenance and betterment. Is it met by the capital account or from income?

Mr. GRIER. Until the capital of the Homestake Mining Co. was increased the last time—I don't recall the figures—all of the charges for betterment and

maintenance went into operating expense. About two years ago, when this increase in capital was made——

Commissioner GARRETSON. Was it as long ago as that?

Mr. GRIER. Well, possibly not.

Commissioner GARRETSON. Wasn't it in 1913?

Mr. GRIER. About a year and a half. I think it went into effect a year ago last spring. I don't exactly recall that matter as to a month or two. That increase was the capitalization of—whatever the amount was—two or three million dollars. I have nothing to do with that part of the company's business. I am not a stockholder and don't pay very much attention to it.

Commissioner GARRETSON. Were those expenses for that year charged to both income and capital, because a large amount of them were charged against income for the year 1913, and the capital increase also took place in 1913. Your balance sheet as of January 1, 1913, shows a capital stock of $22,000,000, of which $160,000 had not yet been issued, while your balance sheet as of January 1, 1914, shows a capital of $25,116,000, all of which presumably had been issued, and still during that year you charged against income a very considerable amount as acquiring new property—at least it is listed as purchase of property, new machinery, running into hundreds of thousands of dollars, and various other charges of similar character during the same period in which the increase of capitalization took place, presumably to meet the same thing.

Mr. GRIER. That is the way it appears in the statement, but I have nothing to do with that.

Commissioner GARRETSON. I am quoting from the figures furnished here.

Mr. GRIER. I say that is the way it appears.

Commissioner GARRETSON. And still you added during that period to your surplus a certain amount. Your expenditures during 1913 for those various items approaches—well, it compares very well up with the amount you paid out in dividends and still you added to your surplus, while paying the old rate of dividend—the old dividend rate $7.80, I don't know whether that is the old dividend rate or not, but the one that has been referred to here, it paid $7.80 in 1913.

Mr. GRIER. That is the present rate at the present time.

Commissioner GARRETSON. And you paid it all during 1913 excepting possibly one or two months. That rate became effective, I think you testified, early in 1913?

Mr. GRIER. Yes, sir.

Commissioner GARRETSON. Along about February?

Mr. GRIER. I think so.

Commissioner GARRETSON. Consequently, if you paid that dividend rate, this disbursed almost as much in betterments, added to your surplus, what is the book value of your stock from your own standpoint? What is the estimated book value of the stock of the par value of $100?

Mr. GRIER. What do you have the charge for betterments last year?

Commissioner GARRETSON. I didn't take the total of betterments; I only took one item, machinery alone. For machinery alone you spent, new, in 1913, $362,000. For property purchased, you spent $79,000. For certain other renewals or new methods, some $2,000. You charged against the Spearfish Hydro-Electric plant $19,000, presumably betterments or construction, one or the two, and for machinery, $362,000. Then, you spent on re-creation, one item at least of $102,000. Taking the total of all those, you run close up against half of the amount you paid out in dividends.

Mr. GRIER. How much was paid in dividends?

Commissioner GARRETSON. I took your own figures; I didn't follow ours. You remember there was a slight discrepancy in the figures which you corrected afterwards of the capital stock. It is over $2,000,000, your dividend cost was. I didn't put that down, because it was here—$2,146,000. The total of those expenditures will not run half of that; I was running on the other figures, but they run between six and seven hundred thousand dollars disbursed for betterments or acquirements or buildings.

Mr. GRIER. That would be about one-third.

Commissioner GARRETSON. Just about one-third. Now, the question is on that method of procedure, what do you figure your book value would be, your surplus being $1,400,000?

Mr. GRIER. How would you arrive at book value with those figures before you?

Commissioner GARRETSON. How is that?

Mr. GRIER. How would you arrive at the book value with those figures before you?

Commissioner GARRETSON. Well, I could not arrive at it unless I knew whether the company had unlimited power for betterment from income, or whether it intended to change that method for the future.

Mr. GRIER. I am sure I don't know what they intend to do.

Commissioner GARRETSON. Then, you and I both have the same difficulty in figuring book value, haven't we?

Mr. GRIER. I think so.

Commissioner O'CONNELL. Is there stock for sale or has there been any sales recently? What has it sold at per share?

Mr. GRIER. I don't know.

Commissioner GARRETSON. If you only took the surplus in your book value it would be easy to figure, but if you took earning ability, then you would be against another problem. The earning ability as shown in this report is far in advance of the dividends paid, is it not?

Mr. GRIER. Well, the earnings, I suppose, should cover the dividends and cost of operation.

Commissioner GARRETSON. Well, if you spent one-third as much money in betterments——

Mr. GRIER. Then the earnings should also cover betterments.

Commissioner GARRETSON. The earning capacity is far ahead of what is evidenced by its dividend rate, is that not correct?

Mr. GRIER. Well, you can only discuss last year's earnings with the figures before you.

Commissioner GARRETSON. Well, as the operating officer of the company—

Mr. GRIER. The earnings, I suppose, shown in that annual statement for 1913 will show that the net production of bullion was sufficient to cover everything that was charged against it, the dividends, the operating expenses, the betterments, and anything else, if there is anything.

Commissioner GARRETSON. And if you spent in addition to the property from income one-third as much as you paid dividends—I am just taking it roughly—then in fact the property, if there had been no expenditures from income, if that had all been originally charged against capital account, the property would have paid one-third more dividends than it really did, or could have paid it?

Mr. GRIER. You have the figures before you and I haven't. I don't make up that statement at all, you know.

Commissioner GARRETSON. Have you days you look at it and study it?

Mr. GRIER. Mighty little.

Commissioner GARRETSON. That is all on that question.

Acting Chairman COMMONS. Anything more?

Commissioner GARRETSON. Yes; there is another question I want. While you say that the company has never revoked a permit under the system that obtains, Mr. Grier, what would be the result if the company would revoke a permit? Who would the improvements belong to under the code of law, the house and barn that might be on that ground, and the fences?

Mr. GRIER. The attorney for the company can answer the question better than I can.

Mr. KELLER. I will answer that for you. Under the terms of the permit the occupant is given the privilege of removing them himself.

Commissioner GARRETSON. Within what period?

Mr. KELLER. Ninety days.

Commissioner GARRETSON. If he didn't remove them within 90 days, then they fall to the company?

Mr. KELLER. Yes, sir; they do.

Commissioner GARRETSON. Is there any valuation process whereby he can recover anything then?

Mr. KELLER. No, sir.

Commissioner GARRETSON. In the case of valuable improvements, for instance, a business building—this one—would that building or improvement have any value except as junk?

Mr. KELLER. No, sir; it might not.

Commissioner GARRETSON. You would be absolute master of the situation?

Mr. KELLER. Under those permits. But in that connection and at this time let me make a statement as to the title, because I think it is not altogether clear

as to what the situation is. In the city of Lead there is really what you might call three titles or three conditions of real estate holdings. The first comprises five tracts of ground which were patented by the Federal Government as town-site property.

Commissioner GARRETSON. How great is the extent of that?

Mr. KELLER. About 14 acres.

Commissioner GARRETSON. Right there, will you let me ask a question. How many acres—now you can get it into comparison form—how many acres covered with buildings within the city limits of Lead?

Mr. KELLER. I could not tell you that?

Commissioner GARRETSON. Approximately.

Mr. KELLER. I could not tell that. About 140 acres comprised the original town site.

Commissioner GARRETSON. I thought you said only 14?

Mr. KELLER. No, sir.

Commissioner GARRETSON. This is the third vein. Go on.

Mr. KELLER. The original town site of land patented to Leonard Gordon, county judge, comprised 138 and a fraction acres. Of the second situation, there was a second patent applied for. There was afterwards a controversy in the land office between the mine claimants and the town-site applicants acting through the county judge. The result of that controversy, running through a series of years, was that the patent to Gordon was canceled, or at least his entry canceled as town-site property, the department ruling that the ground was more valuable for mineral purposes than town-site purposes, but that was only done after a compromise between the various litigants.

Commissioner GARRETSON. That is the one that has been referred to here?

Mr. KELLER. No, sir; that is not yet the one; it is only a part of the one. The result of that compromise was this, that a portion of the ground actually patented as town-site property under the town-site law in that application comprised about 14 acres. Now, as to the ground——

Commissioner GARRETSON. Let me ask a question there. The title to that 14 acres is held by the present holders under warranty deed?

Mr. KELLER. Absolutely in fee.

Commissioner GARRETSON. The only ground in town that is held in fee?

Mr. KELLER. Exactly, and that is the fee title to that portion. Now, there is still another portion of ground here in Lead which is held under agreement, and that portion is held in this way, the mine owners, comprising a number of different mine owners, not only the Homestake, but a number of others, agreed to deed the surface of the ground at that time occupied to three trustees in trust for the then occupants, to the extent of their occupancy, reserving the minerals. Those three trustees were named Emmons, Gersher, and Mayer. Under that agreement the Homestake Co., as well as a number of other mine owners, conveyed the surface to these three trustees.

Now, by the agreement the Homestake Mining Co. and Mr. Haggin and Mr. Fidler—well, a number of mine owners here conveyed the surface to these trustees, and under the terms of that agreement the mine owners have the right to mine underneath the surface, and also whenever in any activity, in the course of their mining operations they see fit, they have a right to come to the surface. They have it. All they have to do is to serve notice upon the occupants that the mining operations are dangerous, and if the improvements are not moved and damage results it is at their loss. Now, that is the condition of the title.

Commissioner GARRETSON. That is equivalent to a surface quitclaim except in the event that they want to use it?

Mr. KELLER. Exactly. It is hardly as good, possibly, as an absolute quitclaim to the surface, because there is not an absolute right on the part of the mining corporation to sustain the surface, as is the rule with an ordinary rule quitclaim to the surface.

Now, there is still another what you might call a title. It is not a title, but there is a great deal of ground owned absolutely by the Homestake Mining Co., to which it owns the fee, which was patented without any controversy, which was not involved in that litigation at all, and they have an absolute fee title to the entire surface and minerals.

A number of people at different times have desired to build upon that; or portions of it, and they have come to Mr. Grier as the superintendent and asked for permission to do so. And it is as to that third class of ground that these permits have been issued. Those permits are permits revocable at will, with a 60-day notice to remove the improvements.

Commissioner GARRETSON. A 60-day—I thought it was 90-day?

Mr. KELLER. Ninety days.

Commissioner GARRETSON. Ninety.

Mr. KELLER. Now, in that connection I wish to state to the committee that in the 10 years I have been counsel for the company, and seven years previous to that that I was associated with the previous counsel, I have never known of any thought or attempt of any kind to exercise that privilege. But on the contrary I wish to state that upon a number of occasions where surface improvements were made upon the grounds that the Homestake Co. owned, and as to which a permit had been given, when subsequently we desired to use that ground, instead of serving a notice for the occupant to move we actually paid him, and paid him the full value of his improvements. That has been done a number of times without any legal obligation resting upon the company to do it. That has been done a number of times.

Commissioner GARRETSON. Let me ask you right there: But if the company had desired to do it?

Mr. KELLER. They could have done it.

Commissioner GARRETSON. They could have done it, and virtually confiscated everything the man had if the improvements were valuable enough?

Mr. KELLER. They could, and the fact—if you will permit me to say it——

Commissioner GARRETSON (interrupting). Yes.

Mr. KELLER (continuing). That that fact is known to every layman in the country as well as every lawyer, the fact that so many men have absolutely been willing to build under that condition, seems to me is about the highest tribute that has been yet paid to the management of the Homestake Mining Co.

Commissioner GARRETSON. Hasn't that same tribute been paid to many a personal ruler who had the power of life and death, but didn't exercise it?

Mr. KELLER. Quite likely.

Commissioner GARRETSON. But still the tendency has been to abolish the power of life and death vested in any one person, has it not?

Mr. KELLER. Always.

Commissioner GARRETSON. Good. Then the natural tendency is to take power of this character, which you say is not, but which might be despotically used—should it be continued?

Mr. KELLER. But pardon me, this is property which the person is not obligated to build upon if he doesn't see fit.

Commissioner GARRETSON. Oh, a man——

Mr. KELLER. There is any quantity of property here which could be obtained if they would want to buy it. Mr. Fillian has some beautiful building lots in the other end of town, but rather than pay Mr. Fillian the ordinary price for lots the prospective builder prefers to rely upon the integrity of the Homestake Mining Co. and get it for nothing.

Commissioner GARRETSON. Well, a lot of the others of us are long-shot men.

Mr. KELLER. Well, it might have been a long shot 40 years ago, but the history of the rule of chances, I think by the course of events, has been pretty well eliminated.

Commissioner GARRETSON. Could or could not that be used as a deadly weapon?

Mr. KELLER. It could have been, but it was not.

Commissioner GARRETSON. Oh, I am making no assertion in that direction.

Mr. KELLER. Not even at the time when we were at war with almost a half of our operatives, not even then.

Commissioner GARRETSON. If you had been at war with the other half, you might have nailed them all to the cross.

Mr. KELLER. No; not all.

Commissioner GARRETSON. Well, I mean all that had permits.

Mr. KELLER. A very small number, comparatively, a very small number comparatively.

Commissioner GARRETSON. Mr. Grier, are there any women employed in any capacity?

Mr. GRIER. I don't think of any others than three in the private telephone exchange.

Commissioner GARRETSON. What wages are paid there?

Mr. GRIER. Thirty-five dollars a month.

Commissioner GARRETSON. I notice in the recapitulation of men that were employed, that there are 15 or 20—I have forgotten which now—men desig-

nated as guards. Are those men what you described this morning as watchmen or are they your detective force?

Mr. GRIER. Special night watchmen.

Commissioner GARRETSON. All of them?

Mr. GRIER. Yes.

Commissioner GARRETSON. In this detective force you state, I believe, that it mostly consisted of the men in charge, largely?

Mr. GRIER. Yes, sir.

Commissioner GARRETSON. Have you any men employed in the various departments in their regular pursuits who report to the chief of detectives, or whatever his title is, and receive additional sums therefor—espionage?

Mr. GRIER. We have.

Commissioner GARRETSON. You contribute so much to the churches, $200 to each denomination. I assume that in the territory there are not many churches, much duplication of churches of the same denomination; probably one church of each in most instances at least?

Mr. GRIER. I think only one.

Commissioner GARRETSON. Is there any effort made to influence those who are in charge of those congregations?

Mr. GRIER. In what direction?

Commissioner GARRETSON. In the direction of using their influence over their parishioners?

Mr. GRIER. None whatever.

Commissioner GARRETSON. A contribution is never held up on account of an undesirable man occupying the position?

Mr. GRIER. It never has been.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. Grier, we are very much obliged to you. We will call the next witness. Is Bishop Busch present?

TESTIMONY OF THE RIGHT REV. JOSEPH F. BUSCH.

Acting Chairman COMMONS. Give your name and address.

Bishop BUSCH. Joseph F. Busch, Bishop of Lead; residence, Rapid City, S. Dak.

Acting Chairman COMMONS. You have taken an interest in this question of the Sunday work, I believe, in Lead. Have you any knowledge of the number of people that work on Sunday?

Bishop BUSCH. I haven't any knowledge of what number of people work in the mines except indirectly as far as the people of our denomination are concerned.

Acting Chairman COMMONS. Do you know how many of your denomination there are of that kind?

Bishop BUSCH. Well, when I first came up here we took a census and we found about 665 wage earners who were supposed to be members of our congregation.

Acting Chairman COMMONS. Are those underground workers?

Bishop BUSCH. I supposed that the greater percentage were, although they are distributed among a great many other departments.

Acting Chairman COMMONS. In the Sunday work, what way have you found that it conflicted with their attendance?

Bishop BUSCH. We found that it was seemingly impossible physically for perhaps the larger number to attend church regularly as the church regulations expected.

Acting Chairman COMMONS. What are those regulations?

Bishop BUSCH. Well, they are supposed to attend the morning service, which we will call the mass.

Acting Chairman COMMONS. At what hour is that?

Bishop BUSCH. Well, we tried to arrange the hours to suit the convenience of the men. We had services as early as half-past 4 in the morning, and then again at 6, or a little before 6, 7, 8, 9, 10, half-past 10—at different times; but we found we could not find a single hour that would suit our purpose and would serve the majority.

Acting Chairman COMMONS. Why did you put it at 4.30?

Bishop BUSCH. Because some of the men came off of their shift work at half-past 3 Sunday morning, and we thought if they would come to church

before they went home for rest, that would serve their convenience. That was only an experiment for a few months.

Acting Chairman COMMONS. How did that result?

Bishop BUSCH. It did not prove satisfactory.

Acting Chairman COMMONS. Why?

Bishop BUSCH. I suppose they came from their work tired and were anxious to get back home.

Acting Chairman COMMONS. Well, then, the next shift goes on at what time?

Bishop BUSCH. There are seemingly different hours for different departments. We found quite a number of them who went to work at 7 o'clock in the shops, etc., and for the convenience we had the 6 o'clock service. That seems to suit perhaps a larger number than the other way.

Acting Chairman COMMONS. Six o'clock?

Bishop BUSCH. A quarter to 6, I believe, it is just now.

Acting Chairman COMMONS. Does that suit the underground men?

Bishop BUSCH. Why, I don't know how many of the underground men are satisfied that way.

Acting Chairman COMMONS. You do not know whether it is of more advantage to the shop men?

Bishop BUSCH. And then this is to be taken into consideration. There are differences each Sunday; one man will work one Sunday morning, and then the next Sunday he will go on about noon, and so on. Then there is the change between the day shift and the night shift again, so that makes a great deal of irregularity. And it is practically impossible to suit our church services to meet the situation.

Acting Chairman COMMONS. How long were you in charge of the church?

Bishop BUSCH. I took charge of the church here in June, 1910. Of course, I have lived here personally until last spring.

Acting Chairman COMMONS. About three years?

Bishop BUSCH. Yes.

Acting Chairman COMMONS. Did you find there were a certain number of employees that would lay off Sunday in order to attend church?

Bishop BUSCH. Well, I daresay there may have been a very few; but very few indeed.

Acting Chairman COMMONS. That would do it regularly?

Bishop BUSCH. Yes.

Acting Chairman COMMONS. Did you ascribe this to the desire of the men to make more money?

Bishop BUSCH. I am satisfied in a certain number of cases that was the reason; but I am also satisfied that a certain number felt that they would be more or less at a disadvantage if they took advantage of the option that is said to have been extended to them.

Acting Chairman COMMONS. What was the nature of this option as you understand it?

Bishop BUSCH. Well, in October, 1911, I took up this matter in a rather formal way. I drew up what I thought a declaration of the Sunday situation demanded. I advised with several people who were more or less in touch with the company—and I felt that I was impartial in every way—and I published the declaration. Seemingly it met with considerable favor. There was an association of the clergymen of the other churches who held their regular meetings, and they immediately indorsed this proposition. I looked for a copy of their resolution, but I must have mislaid it.

Then the superintendent happened to be away at the time that I sent him a copy, but he assured me that on his return he would look into the matter, and if Sunday observance could be arranged he would do all that was possible toward that end.

A few weeks after that I was told by some of the men that word had been sent through the mine by the shift bosses reminding them that according to an old rule of 25 years' standing it was an option with any workman that Sunday observance would not be made obligatory, but that according to——

Acting Chairman COMMONS. You mean Sunday work?

Bishop BUSCH. That Sunday observance would not be made obligatory—nobody would be obliged to lay off Sunday—but that those who wished to lay off could do so by giving notice on the previous Saturday to the shift boss or to the timekeeper's office. When this information was given to me I inquired of the company whether this report was authentic, and I received in answer a letter of the superintendent, which I have, in which it is stated that word was

sent to the timekeeper's—through the timekeeper's—office by the shift bosses that Sunday observance would not be made obligatory, but that, as I stated, those who wished to lay off could do so by giving notice on the previous Saturday.

Well, with that in my possession, I was also told that I could make any use of it I wished. I announced from the pulpit I would hold the individuals responsible for Sunday observance; that it was optional; it was their duty to take advantage of the option. And I was rather severe, some of them, at least, thought on this matter in insisting on this obligation on their part. But some of the men told me then that they were afraid to take advantage of the option; they were afraid of the fact that they would be discriminated against in some way or other. And so I took the matter up with the company, and I informed them that while I considered the offer made in good faith there were some of the men who were afraid to take advantage of it. But the company insisted that it was made in good faith and that they had no reason to fear. But, I said, the fact exists that they do fear some discrimination, and I asked the company to use its influence.

Well, I was told, of course, that they would hesitate about doing something that might seem to interfere with the personal liberty of the men. Then I was also told that when the shutdown occurred agents were sent out soliciting employees, and that one of the inducements held out to them was that they could work here seven days, if they wished, every week, and that some of them had come here with that understanding and would feel that they had a grievance if the mine would shut down.

So I admitted there might be many things to consider, and that at that time I was not asking at all for absolute Sunday observance. I merely asked the company to grant me these things to create public sentiment in an effort to inspire Sunday observance. I asked them to give me a letter indorsing the Sunday-observance movement, saying that they would be glad to have their employees take advantage of this option that was given to them in good faith. Well, that letter was denied.

I felt that I had exhausted my efforts with the local management. I had been under the impression that Mrs. Hearst was the majority stockholder of the concern, so I undertook to write her a private letter and told her of what my sentiments were and that I understood that she was the majority stockholder, and that the public interest and obligation would rather expect her to be responsible for conditions if she was, and I asked her to have some independent neutral examination made of local conditions.

She answered me that she was only the part owner and that she left all the details to the local management. I wrote back to her, saying that I understood she was the majority stockholder and therefore I insisted, if that was the case, that she have an independent investigation of conditions made, because I felt they were very unsatisfactory to a very large number in the community. Then, of course, I felt that it was my duty to insist upon Sunday observance, as far as possible, and about a year ago at a convention of Catholic societies in Milwaukee I was asked to speak about the conditions of labor in the mines. I had not expected to be put on for that subject. I came there and was confronted with the subject. I told them my only experience was my three years in Lead, and I tried to explain the situation as well as I could. Some of the statements were taken up without the qualification I thought I had succeeded in making at the time, were published broadcast, and created a great deal of indignation when the reports reached here.

There was a mass meeting called by the mayor, participated in by a large number of the citizens, in which they seemed to condemn my actions very roundly.

When this news reached Lead I was told by one of the heads of one of our Catholic societies that the superintendent had called him into his office and said to him that he would hold the Catholics here responsible for my actions. Considering the general feeling that I was satisfied existed here, I felt that that was rather a serious threat, and I appealed to the governor to have some investigation made through the attorney general's office. The governor did not directly answer my appeal. When the mass meeting was called, I telegraphed to the governor, and he answered me that he could not do anything to interfere with this particular mass meeting. But I wrote back to the governor that that was a secondary matter, the mass meeting, that I thought the whole condition deserved an investigation; that the nonobservance of Sunday was reaching such a stage where it was a serious menace to the peace and well-

being of the community. But there was nothing done, and the attorney general wrote back that he had no more authority to institute proceedings than any private citizen—than I myself had. Then I wrote to the Commissioner of Labor in Washington and was assured that they would take the matter up when they got to it.

Shortly after the membership of this commission was organized, and I took up the matter with the commission, and I am very thankful to the commission for the great interest that they have taken in this matter and for the fact that they have placed Lead in their itinerary.

I feel that the conditions in Lead in many ways are away beyond anything that exist in any similar industrial center. I have always been very anxious to give my unqualified indorsement for all of the excellencies that existed in the community; but I have always also felt that the influence of this corporation was so overwhelming in this community that if it was not used in the proper way either consciously or unconsciously, there was much danger of a great deal of harm being done. And I did feel, and I do feel that there are certain elements that belong to the natural heritage of men that consciously or unconsciously are not taken into account in some of the activities in this community. And among them I believe is the disregard of the necessity of one day's rest for the workmen, and for one day's worship for the man of religion. Now, my experience from a religious standpoint is that our religious work can not be carried on in a normal way under existing conditions. We have tried every expedient that I had ever seen, heard of, or read about, and I have gone backwards instead of making progress. I have tried out every possible thing, and my experience is reechoed by almost every priest who has exercised the ministry here during the last two years.

Acting Chairman COMMONS. Do you recognize any necessity on the part of industry to operate continuously?

Bishop BUSCH. I asked that question, and I was told, just as you were informed a little while ago, that they were laid off for six weeks at one time, and that the thing could be repeated any time when it would be desired.

Acting Chairman COMMONS. That is, that they had discontinued Sunday work altogether?

Bishop BUSCH. Yes; for six weeks; and that they could discontinue it again; that there was no reason why the mine property, at least, needed to be operated on Sunday—the underground work. I was told that possibly they would have to enlarge their bins, etc., but even that was denied by an officer of the company. And I noticed in a United States report on mining in South Dakota and Wyoming, that at the end of 1913 there were over 2,000,000 tons of ore loose in the stopes. I understand the capacity of the stamp mill is less than 5,000 tons a day, so that they could run 40 days without blasting any more rock, according to my understanding.

Then, the objection was made that it would be a great loss to let the fires go down and get up steam again on Monday. But with the introduction of the hydroelectric plant that ought to be obviated. In fact, I was assured it was not an impossibility to observe Sunday far greater and more than it is observed. And it was my contention that not only the individual man but also the company should recognize Sunday, because it is a State law to abstain from all work except such as is of necessity.

We are all, the churches, chartered corporations that are authorized to do their work, and the only day we can do it effectively is the day that the law reserves to us, and I feel that the example of the company influences a great many others to work on Sunday that otherwise would not. This company is so influential that any stand it takes on any question, whether it is political, moral, or religious has a great weight with a large number of the men, and I feel and I felt that the company, if they would merely say that they really desired to see Sunday observed, that that would be sufficient argument for a large number to quit work on Sunday. I know that in all, or in most other industries that have to work on Sunday, the hardest objection to Sunday observance was the desire of the men for the Sunday wage.

The Pittsburgh Steel Trust found that its greatest obstacle to persuade men to give up their three, three and a half, or four dollars a day, and I am sorry to say there are a large number now that seem to feel that they need that Sunday wage. In fact, some of them say they do. They do because of their exaggerated way of living, in many cases.

Acting Chairman COMMONS. Have you inquired into the practice of other mining communities so that you are informed as to what is the practice?

Bishop BUSCH. No. As I said, my experience was almost entirely limited to my three years here in Lead.

Acting Chairman COMMONS. Have you acquainted yourself with legislation on this subject in other countries?

Bishop BUSCH. I know that this question of one day's rest in seven is one of the most popular legislative problems that is concerning legislatures. I know that in quite a number of countries during the last five or six years that has been introduced. I know that at their annual convention a number of organized labor societies have requested this one day's rest in seven, and I know that the Progressive Party as well as the Socialist Party have had that in their program.

Acting Chairman COMMONS. And from the standpoint of the religious communities, would that he a satisfactory solution—one day in seven?

Bishop BUSCH. The theory is that conditions are such that if one day's rest in seven was made obligatory it naturally would get to be Sunday for the very large majority; and all the other people who are not laboring who can keep one day rest in seven keep the Sunday that the religious people do. That it is a legislative enactment, etc.; that if the industries would grant one day's rest in seven for the vast majority it would be the first day, from economic reasons, too, they say.

Acting Chairman COMMONS. Where you have an industry that operates continuously?

Bishop BUSCH. I understand that.

Acting Chairman COMMONS. To distribute the men through the year?

Bishop BUSCH. Certainly. Our Sunday law does not require absolute Sunday observance. It is only when it is reasonably possible, and I recognize that in these industries there are departments and there are many men who absolutely would have to be employed on Sunday.

Acting Chairman COMMONS. You think they would have enough Sundays free throughout the year under a one-day-in-seven principle?

Bishop BUSCH. Yes; I do. And I tried to have a law introduced into our legislature to that effect, but it only got as far as the committee.

Acting Chairman COMMONS. I think such a law is now in force in New York City.

Bishop BUSCH. Yes; I believe it is, and several places in Europe have indorsed it within the last few years; also in South America.

Acting Chairman COMMONS. Have you ever lived in other communities which have Sunday work such as this community has?

Bishop BUSCH. No; I never did.

Acting Chairman COMMONS. So you can not make a comparison with those?

Bishop BUSCH. No.

Acting Chairman COMMONS. Would you say that the Sunday work has an injurious effect not only on the working people, but on their homes as well as on their churches?

Bishop BUSCH. Well, it seems to me that it can not be without evil effect.

Acting Chairman COMMONS. In what way?

Bishop BUSCH. Why, I think that home life is interfered with to a very large extent. The way men work it is not possible for them, even though they only work eight hours a day, it is not possible for them to see their families for a normal period of time; some of them work two weeks in the night, and do not see their children at all, and the next time they work two weeks in the day, and these things interfere. And I do not believe there is a proper understanding of family affairs, domestic economy, I think, suffers a great deal. I think all the domestic relations are affected by it.

Acting Chairman COMMONS. You state this from your observation of the communicants in the community?

Bishop BUSCH. Yes; I think so. Yes; I think that the moral standard is not as high here as it would be with Sunday observance, by far; otherwise I would not have agitated the question at all. That was my only motive.

Acting Chairman COMMONS. On the physical side, the fact that they had eight hours' work a day, which makes 56 hours a week.

Bishop BUSCH. It has been contended by those who are experts on the question that a man can not revive except he has one day off in seven. That has been up as a scientific theory and men of authority seem to uphold it, that there is this little loss every time and it takes the whole day to get back to where they were at the beginning of the week.

Acting Chairman COMMONS. In a community of this kind where recreation and circuses and things of that kind are not frequent, is it not likely that the situation would be different from what it would be in other places?

Bishop BUSCH. Well, I don't know as the circuses come around very much on Sundays anywhere.

Acting Chairman COMMONS. Well, cut out the circuses; deal with the general recreation.

Bishop BUSCH. And other forms of amusement. I don't know; of course, they are limited here in some ways. Still, we have beautiful surroundings here, and there are many ways of having outings that are hardly possible for a great many other communities. And if we had Sunday observance here, we could originate a great many forms of recreation that are now absolutely impossible. Now, we could hold special meetings for different sections; different church societies, etc., which we find it is impossible to do now.

Acting Chairman COMMONS. Your observation, then, is that this Sunday work is practically universal?

Bishop BUSCH. It has got so bad that I felt in conscience bound to protest against it. Work that was absolutely unnecessary was being carried on. This great recreation building here was built Sunday and week day right along. The mortar grinder was so busy one day when the bishop of the Episcopal Church was holding a function in the near-by church that he told me afterwards that he was shocked at the situation. And the children coming to church on Sunday would see all this kind of work, and the example of this large, influential company engaging in absolutely unnecessary work on Sunday was demoralizing everybody else. They would be carrying around furniture, carting off ashes, and doing everything of that kind.

Acting Chairman COMMONS. Do you think that legislation should be adopted on this subject of one day in seven, even though the workingmen desire to work?

Bishop BUSCH. Yes, sir; I certainly do.

Acting Chairman COMMONS. On what ground?

Bishop BUSCH. Well, that it is necessary for man's own welfare, and that the moral interests of society require a day of rest and a day of worship. These men that work in the mines have got to have ideals, and if they don't get them in church or some place similar, why they are going to grow more and more materialistic and socialistic.

Acting Chairman COMMONS. Well, that would take away from them their liberty and freedom for doing as they pleased with their time?

Bishop BUSCH. Yes, sir; but I don't believe that a man has absolute liberty to do as he pleases in every possible way. We take it away from them in a great many other things. He is not allowed to go down here and take a glass of beer at 10 o'clock at night.

Acting Chairman COMMONS. But still——

Bishop BUSCH. When he marries a wife, he is supposed to take care of her.

Acting Chairman COMMONS. This is somewhat different from that. This is an instance where a man is desiring to work for the good of his family to secure more earnings for them.

Bishop BUSCH. Yes; but the question is whether it really is for the good of his family, whether his family isn't suffering a great deal more from his work on Sunday. I have heard men tell me time and time again that after they try both ways, that they have never prospered in the work they did on Sunday, that they can get along just as well. And I have been told by representatives of the company that they thought the company would be at an advantage if the men only worked six days in the week.

Acting Chairman COMMONS. Your feeling is that this policy proceeds from the stockholders, then?

Bishop BUSCH. I am not inclined to place the responsibility anywhere. I just simply think that it is a feature that is not sufficiently appreciated. I don't think there is any conscious policy about it at all. It is just simply going in the line of least resistance, just because there is not any principle that suggests some other method. And I believe that the other method should be insisted upon.

Commissioner O'CONNELL. It is just like Topsy; just grew.

Bishop BUSCH. Yes.

Acting Chairman COMMONS. As far as you know, it has always been the practice in the past?

Bishop BUSCH. Yes; and I believe in early times, perhaps, it was more or less necessary and justifiable; but I think we have outgrown those days, and I think our responsibilities are greater. Everybody, these corporations and society, is becoming more and more conscious of its responsibility to the rights of mankind and manhood.

Acting Chairman COMMONS. Suppose the company, suppose the State of South Dakota should legislate on this subject and arbitrarily establish this proposition that nobody should work more than six days, should not only impose penalties on the company but also on the employee; is it likely that this company could secure such a capable body of workingmen as they evidently have?

Bishop BUSCH. With all the other advantages that they offer, I do not see why they should not.

Acting Chairman COMMONS. But considering that throughout the country in other mining communities they can work seven days.

Bishop BUSCH. I believe that it would only be a few years before they would flock here rather than go to the other places.

Acting Chairman COMMONS. Well is that your opinion?

Bishop BUSCH. That is my honest conviction.

Acting Chairman COMMONS. Is that opinion based on what you believe?

Bishop BUSCH. Well, everybody who I have heard discuss the question, who have tried both ways, working seven days out of the week and six days out of the week, were satisfied that he was better off when he laid off on Sunday.

Acting Chairman COMMONS. Even though he——

Bishop BUSCH. Lost that money.

Acting Chairman COMMONS. His earnings were about 15 per cent decreased?

Bishop BUSCH. Yes.

Acting Chairman COMMONS. That is, he said so, taking all things into account. You believe that is the general feeling?

Bishop BUSCH. Yes; I do.

Acting Chairman COMMONS. Do you have any questions, Mr. Lennon?

Commissioner LENNON. Yes.

Acting Chairman COMMONS. Mr. Lennon wants to ask you some questions.

Commissioner LENNON. What effect do you believe it would have on the moral fiber of the people of this country if all industries were carried on continuously seven days in the week?

Bishop BUSCH. Well, I don't know as there would be much moral fiber left. I think it would hasten the things that we are all afraid of.

Commissioner LENNON. It would be conducive to the growth of irresponsibility?

Bishop BUSCH. I think so; yes, sir.

Commissioner LENNON. I think so. I agree with you.

Bishop BUSCH. I think what this country lacks at this time is a sense of responsibility, is conscience; and I don't see anywhere else to build up conscience except on Sunday and through the churches.

Commissioner LENNON. That is all, Bishop.

Commissioner GARRETSON. Bishop, do you believe that the regulation by law of the days of labor is any more an invasion of the personal rights of man than the Ten Commandments are?

Bishop BUSCH. No; I don't.

Commissioner GARRETSON. Precisely the same character as the quarantine laws, vaccination, and all requirements of that character, which are just as much so, and still considered absolutely necessary for the common good?

Bishop BUSCH. Indeed, I believe that an industry that has the influence and that can by its influence create a sentiment in favor of Sunday observance is criminally wrong—is guilty of wrongdoing by not exerting that influence. I believe that corporations are responsible just as well as individuals.

Commissioner GARRETSON. Isn't it a fact—no, I will state it another way. Is it your opinion that the tendency on the part of an employer, whether corporate or individual, to require men to labor seven days is anything else than a part of the modern tendency to put the dollar ahead of everything else?

Bishop BUSCH. No; I think that is—I don't know whether that is consciously done by employers generally that are working for seven days, but it is the ignoring of a certain feature that is necessary for man's well-being.

Commissioner GARRETSON. If it was done unconsciously or subconsciously, is it not an evidence that that very evil has got so great a hold?

Bishop BUSCH. Exactly.

Commissioner GARRETSON. That they do it subconsciously?

Bishop BUSCH. Exactly.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Any questions, Mr. O'Connell?

Commissioner O'CONNELL. I understood you to say, Bishop, after this address that you delivered at Milwaukee, that there was some form of a meeting called here, a protest meeting of some kind?

Bishop BUSCH. Yes, sir.

Commissioner O'CONNELL. For what purpose?

Bishop BUSCH. To set the country at large aright in regard to the statements—or the misstatements that I was supposed to have made in that address.

Commissioner O'CONNELL. And your statements were that the mines here were operating seven days a week?

Bishop BUSCH. I have a copy of the address here.

Commissioner O'CONNELL. Will you just file it with the commission?

(The paper so presented was marked "Exhibit No. 1, Witness Busch, August 3, 1914.")

Commissioner O'CONNELL. Well, this is rather historical of the whole situation, as I catch it?

Bishop BUSCH. Yes.

Commissioner O'CONNELL. Can you briefly just give us the principal points in your address?

Bishop BUSCH. The burden of my address was that I maintained that human nature was essentially selfish, and that unless that was modified by some other features, why it would always show itself in one way or the other; that I believed that was an explanation of the troubles that existed not only in Michigan, but Virginia, which at that time were having special labor troubles, and that it was quite apparent in most all mining communities, because in a mining community a miner was more dependent upon the employer than the employee of most other industries; and that from hearsay I had heard that in the early days those who had things under their control were inclined to take advantage of their position, in different ways, which I related there. But I insisted that those were very long passed conditions, and that at present in Lead we had a situation that was from a material standpoint rather preferable than most other communities had, but that in some particular item, why, there seemed to be a disregard for what I thought were the rights of the people; that in almost any direction you would turn you would feel the all-pervading influence of this company; that I had experienced it when I tried to secure Sunday observance; that I felt I had exhausted my efforts with the company; that I could not secure any public sentiment, because there wasn't any independent sentiment in the community.

Commissioner O'CONNELL. I notice you quote the figures of the corporation, its wealth and all that, its production and its ownership of property, and all that. Your idea in quoting that was to show that this corporation could well afford—it would not be a question of financial loss to them, that is, to their stockholders, if an arrangement could be brought about where a six-day arrangement of work would be brought about without loss of property and so on—that is, without proper protection to property, and that, as I gather from those whom I have talked with here, and the impression I am gathering now, that the community were aroused to an opinion that you had held that this community was an ungodly community.

Bishop BUSCH. I took very particular pains not to say a single word about the moral conditions of this community, because I believe it is a mean bird that fouls his own nest.

Commissioner O'CONNELL. Well, from what other source could they have molded the opinion here against, for instance, people of your own faith so quickly, unless it was by some method of that kind? What method was adopted here to bias, to bring that bias all at once, or so suddenly, there must have been some underlying causes?

Bishop BUSCH. They had nothing to base their action on except the newspaper reports that had come to them, chief among which was the Milwaukee Leader, which, of course, was a very socialistically inclined paper, and which had some very, very glaring headlines and things of this kind. I brought the copy with me if you care to see it.

Commissioner O'CONNELL. Yes, just make a copy.

(Which said quotation from the Milwaukee Leader, of Tuesday evening, August 12, 1913, vol. 2, No. 210, is in words and figures as follows, to wit:)

[Heading in red across entire page.]

BISHOP DRIVEN OUT BY GREED OF GOLD APPEALS TO FEDERATION.

CATHOLIC BISHOP SAYS CAPITALISM FORCED HIM OUT—HAD TO ABANDON SEE AT LEAD, S. DAK., WHEN MINE WORKERS FLED FROM INTOLERABLE CONDITIONS.

Driven from Lead, the See city of his bishopric, by the Homestake Mining Co., his flock scattered to the winds, his religion flaunted, the Right Rev. Joseph F. Busch, Bishop of Lead, S. Dak., appealed to the Federation of Catholic Societies, Monday afternoon, for support, to enable him to return to Lead and resume his duties.

As he told how the company controlled by the mother of William Randolph Hearst had crushed all independence in its employees, terrorized public authority, and even sought to censor the priest in his pulpit, the audience was roused to a high pitch.

In the early days of Lead as a mining camp, the bishop explained, wages were at the subsistence point, the miners were not permitted to own any land, houses cost an average of $85 each, and the "cemetery was filled with the bodies of those who died premature deaths." Then conditions were somewhat improved. Underground wages were raised to $3 a day, a company hospital was built, and the threat of a strike reduced the hours from 10 to 8.

Then came a fire that compelled the closing of the mines for several weeks, during which the young, the strong, and the energetic left the city. "The fire burned out the heart of the community as well as out of the mine," was the way the bishop described it.

MAKES ATTACK ON UNIONS.

When the mine resumed work there was discontent, due, so the bishop seemed to think, to "agitators" from the Western Federation of Miners. "Socialism, anarchy, and irreligion were preached upon the very streets," he said, betraying that he had not himself heard the speeches, else he would have known that this combination is one never found.

The men threatened a strike. The mine owners retaliated with a lockout. Then came the long struggle and the opening of the mines under the "card system," by which each applicant for work pledged himself never to join a labor union.

"Under these conditions, between 75 and 80 per cent of the Catholics left the town," said the bishop, unconsciously paying a splendid tribute to the faithfulness of his flock to the principles of unionism.

At this point he became bishop of Lead. He came in as the company was importing scab miners and guards "Without whom," naively remarked the bishop, "there would have been serious trouble." A moment later he added that these guards and miners were the "Riffraff of all the world, who were given fine furniture, better houses, and wages higher than the old employees had ever received."

Wages were now paid at the "Hearst Mercantile Co." store with the credit man standing close to the line as they drew their envelopes. If a man received any cash, he was at once asked, "Why don't you spend your money where you get it?" He told how the women, ignorant of the business methods, were induced to exceed their credit account early in the month and were left practically starving during the days just before pay day. So completely were the men kept in debt that the bishop declared that they dared not move away, but were practically enslaved.

LOST STANDING WITH MEN.

In this white-hot blaze of the class struggle Bishop Busch tried to remain without being scorched or without taking sides. "Soon after I came," he said, "I remarked that it seemed to me that some sort of a union was necessary. This at once aroused the suspicion of the company. A few weeks later I preached a sermon against socialism and then I lost standing with the other side of the camp."

There was but one power in the town, that of the mine superintendent. When a mild epidemic arose, the health officer closed the churches, but left the

saloons, the company store, and the mines to run. The bishop remonstrated with the health officer and was laughed at, carried his complaint to the mine superintendent, only to be laughed at again.

The bishop mildly sought to secure sufficient leisure on Sunday to enable his people to come to mass. This started the storm that drove him from the city. After a campaign of begging the superintendent graciously permitted the shift bosses to tell the men that those who wished might stay home on Sunday. Then the bishop preached a sermon on Sunday observance, and said it was up to the employee now. But he soon learned that those who asked for Sunday off were given "Monday and Tuesday and Wednesday, and all the other days of all the other weeks off." The bishop bowed to that "economic determinism" that he did not believe in. "I therefore receded from my position and said to my people, 'If you think that you will lose your jobs by coming to mass, you will be excused from your church obligations.'"

UP AGAINST CAPITALISM.

He begged the superintendent for a letter that would permit Catholics to be absent on Sunday without penalty. But the spectacle of a Catholic bishop asking that his people be permitted to observe the forms of their religion did not appeal to the superintendent, "although he is a 'Turk' by birth and by marriage," added the bishop. "He said he could not think of thus interfering with the personal liberty of the men. But I have noticed that he did not worry about personal liberty when on election day the attorney for the company made out a ticket and handed it to the men, and they knew that if they did not see that that ticket was elected they would lose their positions."

Worn out at last in his efforts to move the superintendent, he went after the "woman higher up," Mrs. Phoebe Hearst. Letters to her brought only the reply that she could do nothing, although, says Bishop Busch, I have positive proof that she is a majority holder of the stock in the Homestake mine. But the letters came back to the superintendent, and the power of the local czar was set in motion. Supplies for the bishopric, his church, and his beloved school fell off. An appeal for aid brought another lesson in economic determinism from the superintendent, who said: "We are in Lead for the Homestake Mining Co. first, last, and all the time, and whoever dislikes that fact can move out of Lead."

By this time the men feared to attend church because of the spies. They seemed to have lost interest in their religion. "When it is a question of bread and butter," added the bishop in his unconscious exposition of economic determinism, "many think more of it than of their religious consolation."

So, puzzled and defeated for the moment, Bishop Busch was driven out of the city of his episcopacy, "an exile from his see city," he explained; he was then living on a little farm near Rapid City, where an assistant raised sufficient vegetables to maintain him. He begged that publicity be given to his story, that the federation extend its aid, and that the Lead parish be given into the charge of an order. "They can kill a man, but not an order," he said.

DUFFY NOT IN LINE.

The report of the Rev. Peter E. Dietz, secretary of the social service commission, which had charge of the Monday afternoon meeting in the auditorium, showed that 3,264 pamphlets were distributed last year in the war against Socialism and in the advocacy of the reform of the commission.

Frank Duffy, general secretary of the United Brotherhood of Carpenters and Joiners, spoke on apprenticeship and industrial education, and took a point somewhat at variance with the general drift and sentiment of the convention, since he held that industrial education must be a function of the public schools.

The Rev. Salvatore Cianci, in his discussion of "Social work among immigrants," complained that the Italians are leaving the Catholic Church. "They are not converted to Protestantism," he explained. "They are either Catholics or nothing."

Joseph Jorgan Devney, president of the Cleveland Lyceum Bureau, advocated a law restricting fortunes to $100,000.

Denying that the Catholic Church interferes in secular matters, and affirming that "The partition of jurisdiction into the spiritual and the temporal

is a principle of Catholicism; no less is it a principle of Americanism," Archbishop Ireland answered those who affirm that the Catholic Church is a gigantic machine, at the auditorium Monday night.

IRELAND TALKS OF POLITICS.

He declared that the Catholic Church was under much more favorable conditions here with religious freedom than in those countries where the church and state are united. As to politics, he pointed to the division of opinion among Catholics to prove the absence of any concerted action. "As a matter of fact, legions of Catholic voters believe me hopelessly wrong in politics," he said, amid laughter. "As a citizen I may regret that my political influence is no wider; as a Catholic I am glad of the independence of the citizenship of America." He ridiculed the charge that the Catholic Church was un-American, saying, "Shall we call Almighty God a foreigner? yet He is not exclusively the God of America," and he described the international character of the church as follows: "The Catholic Church is extra-American, supernational, begotten for all nations, not for America alone."

YUAN SHI KAI CATHOLIC.

That Yuan Shi Kai, the present head of the Chinese Government, is a close friend of the Catholic Church, and that his private secretary and his minister of foreign affairs are both Catholics, was stated by Bishop Koester, of China, at the business session of the federation Tuesday morning.

According to Bishop Koester the Catholic missions have great power in the present administration, which he believes will be permanent. The recognition of the Republic of China by the United States, he says, has helped greatly to increase the friendly spirit between the two nations.

The Rev. Joseph Husslein, S. J., called upon the convention to protest against the aggression of the Portugese Republic upon the Catholics of that country. He drew a touching picture of the sufferings of the Catholic orders and priesthood in Portugal, and declared that the revolution was wholly against religion and in no sense political. According to the Rev. Husslein the present Government has suppressed all freedom of speech and of the press, and has persecuted the sisterhoods, that, so he claims, were engaged only in works of mercy. He presented a resolution calling for action by the President and Congress, and urged that similar resolutions be adopted by all the federated societies.

Archbishop Koudelka pleaded the cause of the Catholic Colonization Society. Like many other speakers at the convention, he lamented the fact that immigrants drift away from the church, and urged that by the formation of colonies based on religion and race this could be prevented. He closed by calling attention to the fact that in the diocese to which he had just been appointed, that of Superior, there "are millions of acres of vacant land which should be settled by Catholic colonists."

SHOULD TEACH RELIGION.

"The failure to teach religion in the public schools has produced a population of 50,000,000 people who never go to church," was the complaint of Archbishop James A. McFaul, Trenton, N. J., in addressing the Catholic women in the St. John's Cathedral auditorium.

"The 50,000,000 don't know the commandments," continued the archbishop, raising his voice, "but, thank God, they are not like the atheists of France.

"The failure to teach religion in the public schools is the reason for the slow death of Protestantism" he continued. "If the Catholics were to abolish the parish school, they might just as well tear down the churches."

He then pointed out that there were 6,000 empty Protestant churches in the Middle West, charging that there is little religion in the homes and very little in the Protestant church. He scored those among the Protestants who were trying to surround the "virgin birth" and the "divinity of Christ" with doubt.

He said that instead of the "three Rs" there should be "four Rs" taught in every school, adding religion to reading, 'riting, and 'rithmetic.

At Monday's session of the Catholic women who are planning to form a national organization, Archbishop Sebastian G. Messmer promised that the discussion of women's suffrage would not come before the meeting. He said that nothing would be said either in favor or against granting women the ballot.

Archbishop McFaul forgot all about this promise as he launched into a diatribe trying to show that woman's place is in the home.

"Children are burdensome to women who like to eat at restaurants," was one of his witticisms which received some applause. "The father should engage in political affairs while the mother confines her attentions to the home. She is the head of the household. She moulds the life of the child and tends to its physical, intellectual, moral, and religious welfare.

"You have heard a great deal about women's suffrage. The church has not yet spoken on this subject. Whether the mother has the ballot or not, she is the head of the household; she is the queen of the home."

DISCUSSES VICE.

Archbishop McFaul then took up the question of vice, and gave some attention to white slavery. He told of conditions in New York City and Philadelphia, and read from the reports on vice that have been made as the result of extended investigations.

"Very few women become immoral as the result of their own volition," he declared, and then pointed out that there was a conflict of opinion of the question of how much low wages had to do with driving women into lives of shame.

He declared that the Catholic women could do much good by seeing to it that working girls were properly housed and protected against vice.

DISCOVER REPORTERS.

After the archbishop had finished speaking it was suddenly discovered that several reporters were listening to the proceedings. Before the regular order of business was taken up these were promptly ousted, along with all non-Catholic women who happened to be attending the conference as visitors. Several women spoke in favor of keeping the meetings open to all, but this feeling was promptly squelched.

It seems assured that Miss Elizabeth G. Marshall, Milwaukee, will be named first president of the Catholic womens' national organization now being formed. The committees on constitution and organization made their reports Tuesday. Mrs. Rose Rittman, Chicago, is presiding at the business sessions.

Bishop BUSCH. Of course, if at that time they hadn't grown indignant so quickly, if somebody had given me a chance to say something about the matter, why, probably, I could have set myself right, but things were boiling so that it was impossible for me to get near it. I could not expect to get any help from the local newspaper, because I didn't feel that the local newspaper was impartial. I felt that the local newspaper was very much in sympathy with that sort of thing.

Commissioner O'CONNELL. So I see the influence that you speak of having spread has grown over this newspaper, too?

Bishop BUSCH. Yes.

Commissioner O'CONNELL. And the public press of the city is within the grasp of the same influence?

Bishop BUSCH. I think so.

Commissioner O'CONNELL. And it meant, possibly, that there is no free press nor free speech here?

Bishop BUSCH. Hardly; I think even outside, even Deadwood, I think hardly anybody lives in the Hills who has not more or less fear and suspicion of this company. I came here with the most optimistic feeling, and I always wished to give a man credit for honesty as long as I could. But I have felt this suspicion, and it has come to me in so many ways that I almost share it. I would be most happy if I could be disabused of it and find that there was no ground for it; but it exists here and it exists throughout all the Hills. Everybody is afraid to say a word against this great company.

When I first came to Lead I remarked that this was a one-man town. Do you believe me, the men shielded their mouths with their hands and whispered to me, "You are right."

Commissioner O'CONNELL. I suppose the one man referred to was the manager of the company?

Bishop BUSCH. Well, the Homestake Co., of course.

Commissioner O'CONNELL. That same influence applies, I suppose, to the political life in the community.

Bishop BUSCH. That is the impression.

Commissioner O'CONNELL. Does the fact of the election of certain men to office to handle the affairs of the community indicate that? Are they employees or ex-employees, and so on, of the company?

Bishop BUSCH. I was told——

Commissioner O'CONNELL. Were they in the employ when elected?

Bishop BUSCH. I was told by a gentleman who acted as city attorney here some years ago, that during his term of office whenever any important question came up that might have in any way had any interest for the company, it was always laid on the table until the next meeting.

Commissioner O'CONNELL. That would indicate that some person had to be seen some way?

Bishop BUSCH. Well, that is what I was told.

Acting Chairman COMMONS. Any other questions?

Commissioner GARRETSON. No.

Acting Chairman COMMONS. We are very much obliged to you, Bishop.

Is Rev. Mr. Warren present? Will you take the stand, Mr. Warren?

TESTIMONY OF REV. D. C. WARREN.

Acting Chairman COMMONS. Will you give your name and address and position to the reporter?

Rev. WARREN. D. C. Warren, Lead City, S. Dak., 101 Wall Street.

Acting Chairman COMMONS. What is your position with the religious denominations of Lead, Mr. Warren?

Rev. WARREN. I am a member of the Methodist Church.

Acting Chairman COMMONS. What official position have you?

Rev. WARREN. I am a local elder in the Methodist Church. I am the secretary of the ministers' association.

Acting Chairman COMMONS. What is the ministers' association of Lead?

Rev. WARREN. The ministers' association includes all the ministers in the northern Hills.

Acting Chairman COMMONS. In the Hills?

Rev. WARREN. Yes, sir. It is interdenominational.

Acting Chairman COMMONS. Catholic and others?

Rev. WARREN. No; it does not include the Catholic, and I think the new Episcopal preacher here is not in, but the one that preceded him was.

Acting Chairman COMMONS. Has the ministerial association at any time during your connection with it as secretary considered this subject of Sunday work and Sunday observance in Lead?

Rev. WARREN. The ministers' association has considered the question.

Acting Chairman COMMONS. How long have you been secretary?

Rev. WARREN. This is my second year as secretary.

Acting Chairman COMMONS. You were a member prior to that?

Rev. WARREN. Yes.

Acting Chairman COMMONS. For how many years were you a member?

Rev. WARREN. Well, I have been here 29 years, and I have been associated with the ministers' association during all of its experience.

Acting Chairman COMMONS. When did this question first come up in the ministers' association, in your recollection, of Sunday observance, and Sunday work, as applied locally?

Rev. WARREN. I could not give the date only just to say that it was about the same time with Bishop Busch—if I could get that date, it would be about the only way that I could give the date.

Acting Chairman COMMONS. That is the first date that the matter was discussed in your association?

Rev. WARREN. No; I think that there was discussion preceding, a short time preceding; perhaps preceding the time that Bishop Busch took it up.

Acting Chairman COMMONS. How long before he took it up was that first discussed?

Rev. WARREN. It came practically at one time.

Acting Chairman COMMONS. It all came together?

Rev. WARREN. Yes, sir.

Acting Chairman COMMONS. This Sunday work has been continuing since you have been in Lead, has it?

Rev. WARREN. Yes, sir.

Acting Chairman COMMONS. The same practice?

Rev. WARREN. Practically the same.

Acting Chairman COMMONS. How do you account for it that the ministerial association did not take it up prior to the time that Bishop Busch took it up?

Rev. WARREN. Well, our ministerial association does not date back very far beyond that.

Acting Chairman COMMONS. About how far back does it date?

Rev. WARREN. You see the association of the preachers in Lead preceded not very long previous to that, and the association, as we now have it, includes the preachers in Deadwood and northern Hills—all the northern Hills—has perhaps been six months.

Acting Chairman COMMONS. The past six months from the present date?

Rev. WARREN. Yes.

Acting Chairman COMMONS. What was the first way in which the matter was presented to the ministers' association when Bishop Busch took it up first, and what action did the association take?

Rev. WARREN. The first action that the association took, if I remember, was that all the ministers of the association, as far as we could get them to do so, would preach a sermon on Sunday observance on a certain Sunday.

Acting Chairman COMMONS. That was the first occasion?

Rev. WARREN. That was the first occasion.

Commissioner O'CONNELL. Was that done?

Rev. WARREN. I think it was unanimously done, with the exception of the Episcopal preacher, who said that he would reserve the time at which he would preach on that subject until he would have longer time for preparation.

Acting Chairman COMMONS. For preparation?

Rev. WARREN. Yes, sir.

Acting Chairman COMMONS. Did the ministerial association adopt resolutions on the subject apart from this recommendation to preach?

Rev. WARREN. Yes; the month afterwards, if I remember right, they passed resolutions.

Acting Chairman COMMONS. What was the tenor of those resolutions? Have you a copy that you could file?

Rev. WARREN. I haven't a copy, but I can give the substance.

Acting Chairman COMMONS. Yes; if you will.

Rev. WARREN (continuing). Of what the resolution was.

Acting Chairman COMMONS. If you please.

Rev. WARREN. After making some general statement of the confidence that the members of that association had in the management of the Homestake Co., we expressed ourselves that we would be glad to cooperate with the Homestake Co. in any effort that they could put forth to secure a better observance of the Sunday and other reforms in the city.

Acting Chairman COMMONS. Was this resolution sent to the company?

Rev. WARREN. I believe it was.

Acting Chairman COMMONS. You were secretary?

Rev. WARREN. I wasn't secretary at that time.

Acting Chairman COMMONS. Oh, you were not; no. Was it sent to the stockholders?

Rev. WARREN. Not that I know of.

Acting Chairman COMMONS. Just simply sent to the resident manager of the company?

Rev. WARREN. I believe that it was generally known as to the position that we took.

Acting Chairman COMMONS. Are you able to state from your knowledge of the discussions held in the ministerial association what is the prevailing opinion of that association regarding the effects of Sunday work upon the church attendance in the various denominations?

Rev. WARREN. It is injurious.

Acting Chairman COMMONS. Injurious?

Rev. WARREN. Yes.

Acting Chairman COMMONS. To what extent would you say that it is injurious and interferes with it?

Rev. WARREN. That would be only a matter of personal opinion, and I don't believe it would be specially valuable.

Acting Chairman COMMONS. What is their idea about its effect upon the moral conditions of the town in general?

Rev. WARREN. Our people believe it is bad.

Acting Chairman COMMONS. And what is their idea regarding its effect on the physical condition of the working people?

Rev. WARREN. I think there is a great difference in our people in that regard when we consider that the work is an eight-hour day.

Acting Chairman COMMONS. They are divided on that question?

Rev. WARREN. Yes.

Acting Chairman COMMONS. And as respecting its effect upon the home life, of their pursuance of it, what is their opinion?

Rev. WARREN. The opinion of the church people all throughout, so far as I know, is that one day in seven should be exempt from labor.

Acting Chairman COMMONS. Has the association taken any action as to whether this should be strictly one day in seven or simply the one seventh day—you understand the difference?

Rev. WARREN. One day in seven. By the way, the federation of churches—of the Christian churches in America—are making this slogan for their special work for the past few years.

Commissioner LENNON. I am on the commission that is carrying that out.

Rev. WARREN. How?

Commissioner LENNON. I am one of the Federal commission that is engaged in the work, representing the Presbyterian association.

Rev. WARREN. Our conference passed a resolution—our annual conference passed a resolution along that same line, favoring the one day in seven for industrial rest.

Acting Chairman COMMONS. Have you any questions, Mr. Garretson?

Commissioner GARRETSON. No.

Acting Chairman COMMONS. Have you any, Mr. O'Connell?

Commissioner O'CONNELL. No.

Acting Chairman COMMONS. Very much obliged to you, Mr. Warren.

TESTIMONY OF MR. JAMES KIRWAN.

Acting Chairman COMMONS. Will you give your name?

Mr. KIRWAN. James Kirwan; employed in the State auditor's office, in the city of Denver, State of Colorado.

Acting Chairman COMMONS. Mr. Kirwan, are you a member of the Western Federation of Miners?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. How long have you been a member of the association?

Mr. KIRWAN. About 16 years.

Acting Chairman COMMONS. When did you first occupy an official position?

Mr. KIRWAN. In 1903 I was appointed member of the executive board of the Western Federation of Miners for this district. This district included South Dakota, Wisconsin, Michigan, and Minnesota.

Acting Chairman COMMONS. What was your local organization at that time?

Mr. KIRWAN. I belonged to the Terry Peak Miners' Union, a mining camp 3 miles from here.

Acting Chairman COMMONS. Were you working in the mines at that place?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. What was your line of work?

Mr. KIRWAN. A miner.

Acting Chairman COMMONS. How long had you been employed or followed the mining occupation?

Mr. KIRWAN. About 10 or 11 years at that time.

Acting Chairman COMMONS. Were you on the executive board when they instructed Mr. Tracy to come here?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. Do you remember at that time whether you instructed others to come with him?

Mr. KIRWAN. No, sir; I don't recollect at that time.

Acting Chairman COMMONS. Do you remember whether others were instructed?

Mr. KIRWAN. No, sir; I don't think there was anybody just at that particular time instructed to come here.

Acting Chairman COMMONS. Well, following his coming here?

Mr. KIRWAN. Yes, sir; afterwards.

Acting Chairman COMMONS. After the lockout?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. How many others were instructed to come here?

Mr. KIRWAN. Mr. Terzich, a member of the executive board, who was an Austrian, came here, and Mr. Lowney, who was a member of the executive board, came here from Montana.

Acting Chairman COMMONS. What nationality is he?

Mr. KIRWAN. Only Irish.

Commissioner O'CONNELL. Just Irish.

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. What others?

Mr. KIRWAN. I remember Mr. Davidson from British Columbia came here.

Acting Chairman COMMONS. Then there were of English-speaking four, and one Austrian?

Mr. KIRWAN. Yes, sir; they were all members of the executive board.

Acting Chairman COMMONS. By Austrian you mean Slavonic?

Mr. KIRWAN. Yes, sir; we designate them that way.

Acting Chairman COMMONS. What instructions were given to Mr. Tracy?

Mr. KIRWAN. To use all legitimate means to get the employees of the mining companies to become members of the Lead Miners' Union No. 2.

Acting Chairman COMMONS. How did it come that the executive board was induced to take such action at that time?

Mr. KIRWAN. Previous to that time the men secured the eight-hour day through the efforts of the organization.

Acting Chairman COMMONS. When was that?

Mr. KIRWAN. In the fall of 1906. I might state during the year 1906 there was quite a revival of the mining industry throughout the country, and the executive board thought then was the opportune time to secure better conditions in those camps that had not secured those conditions. For instance, Utah, Montana, Colorado, Nevada, Arizona, and some sections of California had enjoyed the eight-hour day for years previous to that time—10 to 14 years. Some camps in California, and Lead City, Terry, and other districts in the Black Hills, the men were still working 10 hours a day. We talked the matter over and decided the time was opportune; all the men were employed and the time was ripe for action to reduce the hours of labor on those camps. The matter was talked over and the agitation was started.

Acting Chairman COMMONS. Just a moment. Did you send any national organizers at that time?

Mr. KIRWAN. No, sir; but it was started through the local.

Acting Chairman COMMONS. Through the local organization?

Mr. KIRWAN. The local organization was to take the matter up. After the eight-hour day was secured here the members of the organization felt that the men who had reaped the benefit of this eight-hour agitation should contribute their share toward building up the organization or contribute their dollar a month to the support of the organization. In addition to that the union had taken steps to incorporate sick benefit, increasing the amount paid as sick and death benefits, but in order to do so it would be necessary to have all men employed under the jurisdiction of the local and it would be necessary to bring them into the organization. This matter was talked over by the delegates from this union to the federation convention, and after the convention had adjourned the executive board took the matter up and it was decided to make an effort to organize this particular section, the other districts being fairly organized all around it.

Acting Chairman COMMONS. Did the executive board authorize or endorse at any time the resolution which was adopted by the local at Lead giving notice that after the 25th of November, 1909, they would not work with——

Mr. KIRWAN. They had no knowledge that any such resolution was introduced.

Acting Chairman COMMONS. They had their representative here, Mr. Tracy?

Mr. KIRWAN. Yes; Mr. Tracy wes here. At that time I was in Michigan assisting in building up the organization of miners in northern Michigan, and I did not read anything about it until I read it in some paper—our official paper or some other papers, I don't remember now which.

Acting Chairman COMMONS. What at that time was the constitution of the Western Federation of Miners regarding the authority which a local might have to go ahead with a thing of that kind without the approval by the national organization?

Mr. KIRWAN. The local could not go on a strike unless by vote of the membership—a three-fourths vote of the membership—without the approval of the executive board of the Western Federation of Miners.

Acting Chairman COMMONS. Has that been your rule?

Mr. KIRWAN. That has been our rule for a number of years. It was two-thirds once, and I think it was changed to three-fourths.

Acting Chairman COMMONS. You think it was three-fourths at that time?

Mr. KIRWAN. I am not real sure whether three-fourths or two-thirds.

Acting Chairman COMMONS. Then, according to that, it seems that this meeting took—you heard the resolution read?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. You are familiar with that resolution?

Mr. KIRWAN. Yes.

Acting Chairman COMMONS. Was that regular?

Mr. KIRWAN. Well, I don't know. If you will note, the resolution is not directed to the management of the mining company. I might state when this agitation for the organization of the nonunion men was started it was not the intention of the executive board and organization to involve the company in any way in it. For that reason no demand was made on the company. This resolution is not directed to the company in any way.

Acting Chairman COMMONS. However, the company would naturally consider it as directed toward them?

Mr. KIRWAN. I don't know what they would consider, but it was not directed toward them.

Commissioner O'CONNELL. What effect did it have on the men?

Mr. KIRWAN. The majority joined.

Commissioner O'CONNELL. When trouble occurred, how many nonunion men?

Mr. KIRWAN. There were six nonunion men eligible for membership that were not members.

Commissioner O'CONNELL. And the mine closed down?

Mr. KIRWAN. I was sent here some time before the lockout order took effect. I went over the situation with the men in charge at that time; they gave me the names of the six men who up to that time had refused to join. These six men—I met two of them personally later and they informed me they would join. You understand, a number of the men employed by the company were not eligible to membership—for instance, the shift bosses, the foremen, men in the assay office, and men belonging to other organizations—for instance, the machinists and carpenters—we didn't insist on the members of other organizations joining the Western Federation of Miners.

Acting Chairman COMMONS. Was it the policy of the Western Federation, and had it been at that time, to secure the closed shop?

Mr. KIRWAN. Yes, sir.

Acting Chairman COMMONS. And it had been secured generally in that way?

Mr. KIRWAN. Yes, sir; by continued agitation among the men; pointing out to them the benefits of organization and securing for them either a reduction of hours or increase in wages or some other material improvement in their working condition.

Acting Chairman COMMONS. Has it ever been incorporated in a written agreement with any firm—any mining company?

Mr. KIRWAN. No, sir; for a number of years the organization did not enter into any contract. They do at this time.

Acting Chairman COMMONS. The practice, then, was to simply notify the nonunion men they would not work with them?

Mr. KIRWAN. Yes, sir; they didn't involve the company in it in any way.

Acting Chairman COMMONS. In taking that action here they were following the practice they were accustomed to follow, generally?

Mr. KIRWAN. The only method was to present our side of the case to the nonunion men; point out to them the advantages; and we had an extraordinary opportunity here, where, through the organization, we had secured an eight-hour day for them.

These men were enjoying the benefits, and we pointed out to them the advantage of organization and appealed to their manhood. Some of them who had worked for 12 hours a day for a number of years were now working for 8 hours a day with no reduction in wages, and we appealed to those men to join in with us.

Commissioner O'CONNELL. You say you secured the eight-hour day for them? I understood the manager, when he was on, to say he had never dealt with your organization in any way and that the eight-hour day was volunteered by the company.

Mr. KIRWAN. I might state that the question of a strike here in the Black Hills on the eight-hour day was discussed by the executive board and the matter discussed as to the method of raising finances and the estimated probable cost of a strike for an eight-hour day, and a committee from the local union met with Mr. Grier on one or two occasions. I wasn't here at that time, but I was informed by representatives of the local union that they had met with Mr. Grier and, if I am correctly informed, he attended one meeting and told them under no consideration would he grant an eight-hour day. A mass meeting was held later on and at this meeting it was discussed and an effort made by certain individuals to sidetrack the issue. But sufficient numbers were present to take the matter up and they decided to send a telegram to the board of directors, who were then meeting in Frisco. The meeting unanimously approved of the idea and adopted the motion to send that telegram. I don't know the exact wording of it, but it was a request for the eight-hour day.

Now, that telegram was never sent. Before that telegram would be sent the secretary of the local union was notified by Mr. Grier, or some one else, to come down to the office, and he was told the eight-hour day would be granted.

Acting Chairman COMMONS. You stated that at the time it was the policy of the federation not to make written agreements?

Mr. KIRWAN. No, sir.

Acting Chairman COMMONS. Not to make any written or oral agreement of any kind?

Mr. KIRWAN. No, sir. There were probably verbal agreements between superintendents of the companies and the unions of the various locals—understood. For instance, Terry; we raised the wages of the surface men from two and a half to three dollars a day, but there was no agreement; simply had a verbal understanding with the employers.

Acting Chairman COMMONS. Would it not naturally occur to you now, looking back over that, if a union proposed to have a closed shop that the employer would also naturally decide he might also close the shop?

Mr. KIRWAN. Well, it depended a great deal. If he thought he was strong enough, why, probably he would; on the other hand, if we thought we had sufficient strength we would insist on a closed shop.

Acting Chairman COMMONS. So that at that time you were not on matters of negotiation?

Mr. KIRWAN. No, sir.

Acting Chairman COMMONS. But simply a trial of strength?

Mr. KIRWAN. At that time it was the idea among the members of the federation that the company should not be involved on any matter affecting the organization of the men. We were opposed to the methods adopted by the United Mine Workers. They entered into a written agreement with the employers and the dues are even deducted from the men's wages and turned over to the union. We were opposed to that system at that time; we believed that the employer should have nothing to do with the organization of the union.

Acting Chairman COMMONS. Has your organization at that time or since taken any action on Sunday work?

Mr. KIRWAN. No, sir; I don't believe they have ever taken any action.

Acting Chairman COMMONS. Do your unions work Sundays?

Mr. KIRWAN. Yes, sir; in the majority of the mining camps in the West.

Acting Chairman COMMONS. You never had any strikes on account of Sunday work?

Mr. KIRWAN. Oh, no.

Acting Chairman COMMONS. Suppose a law was enacted prohibiting Sunday work in the mining industry, what would be the attitude of your organization?

Mr. KIRWAN. Well, it would be hard to say at this time what their attitude would be.

Acting Chairman COMMONS. From your knowledge of the men and the feeling of the members of the union, what is your notion of their idea regarding Sunday work?

Mr. KIRWAN. I worked in the mines a number of years and I know personally the feeling of a great many men. They are not in favor of Sunday work only for one reason—that it increases their pay check. If the wages was raised in accordance they would be willing and eager to abolish Sunday work, and would lend every possible aid to do so if they could receive the equivalent in the wages for other days of the week.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. One question I would like to ask.

Acting Chairman COMMONS. Mr. Garretson has some questions.

Commissioner GARRETSON. You heard the statement made a little while ago in regard to an action that was brought against the local union in regard to coercing members or employees of the Homestake Co.?

Mr. KIRWAN. Yes, sir.

Commissioner GARRETSON. Have you any knowledge of that action?

Mr. KIRWAN. Yes, sir. At the time the action was filed our attorneys filed a demurrer. I am not familiar with this legal phraseology, but the complaint of the Homestake Mining Co. stated that coercion was used. We denied that any coercion was used, or intimidation of any kind. We deny it yet and challenge the Homestake Mining Co. or any individual here to point out any specific case. Our attorneys insisted and filed this demurrer, as it is called, or some other legal phrase, asking that some specific instance be cited, and up to this time we have never heard of any.

Commissioner GARRETSON. That is what killed the action?

Mr. KIRWAN. Yes, sir; and there has never been anything else done with this case since that time when the specific cases were asked for. I personally interviewed probably 200 men in this camp, and I never used anything but gentlemanly language to any employee of the Homestake Mining Co. that I approached. I pointed out to them the advantages of organization and tried to persuade them to become members of the organization; didn't resort to threats or coercion or any intimidation.

Commissioner O'CONNELL. Do you know about this Miners' Hall here in the city—the building down below here?

Mr. KIRWAN. Yes, sir; I know something about it.

Commissioner O'CONNELL. It looks to me like the largest building in the city.

Mr. KIRWAN. Yes, sir; the miners' unions own all of the largest buildings in all of the cities.

Commissioner O'CONNELL. I notice this building is absolutely empty; looks like a warehouse. What is the cause of that?

Mr. KIRWAN. You might ask Mr. Grier.

Commissioner O'CONNELL. I am asking you.

Mr. KIRWAN. Well, after the union disbanded the upper floor was rented for lodge rooms and nobody seemed to want to engage it for that purpose. The second floor was used for an opera house, but no shows came into the town. It was practically worthless. The lower floor was rented—one part for a store; he went out of commission. There was a saloon in another part, and that went out of commission. The basement was occupied by the city administration as a city hall——

Commissioner O'CONNELL. That didn't go out of commission?

Mr. KIRWAN. Oh, no—yes, they did. They decided to reduce the number of councilmen; the old form of government was abolished in the last few years.

Commissioner O'CONNELL. They apparently have a new place.

Mr. KIRWAN. Yes, sir; and there was a newspaper office in the lower part of it.

Commissioner O'CONNELL. How long since the two business places—the store in one room and the saloon in the other—that went out of business were there—they went out of business?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. It is since the lockout?

Mr. KIRWAN. Yes, sir; I don't know how long.

Commissioner O'CONNELL. Why did they go out of business?

Mr. KIRWAN. I don't know.

Commissioner O'CONNELL. I notice a number of saloons up and down the street doing business.

Mr. KIRWAN. I believe they have reduced the number of saloons.

Commissioner O'CONNELL. And got that one in there?

Mr. KIRWAN. I suppose so; I have been absent for several years.

Commissioner O'CONNELL. What was in the store?

Mr. KIRWAN. A grocery store.

Commissioner O'CONNELL. What became of that?

Mr. KIRWAN. I don't know.

Commissioner O'CONNELL. Is there some local man that knows about that?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. Have you a local union man in town?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. That lives here?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. Work here?

Mr. KIRWAN. Well, our union men that are working are not known.

Commissioner O'CONNELL. Well, there has been some litigation over this building, some one or two or three men are trying to claim that they own this building?

Mr. KIRWAN. Yes; it seems at the time the building was built that articles of incorporation were filed and——

Commissioner O'CONNELL. Certain men were named as incorporators?

Mr. KIRWAN. Yes; as incorporators; and I am not thoroughly familiar with it, but they attempted to hold the building as their own personal property, some three or four or five members, former members of the Lead City Miners' Union, and as a result there has been some litigation in connection with it.

Commissioner O'CONNELL. The local union of the organization at Butte holds the mortgage?

Mr. KIRWAN. Yes, sir; $40,000. These men that attempt to hold the building tried to repudiate the payment of that mortgage and instituted some suit. It was decided in favor of the Western Federation of Miners.

Commissioner O'CONNELL. That is, the court held that they held a legal mortgage on the property?

Mr. KIRWAN. Yes; that the mortgage was legal and valid.

Commissioner O'CONNELL. Now, what position does that place the property in; who does it belong to now?

Mr. KIRWAN. I am not familiar with it now.

Commissioner O'CONNELL. You miners, I suppose, have a legal claim to the property?

Mr. KIRWAN. Yes, sir; I think so.

Commissioner O'CONNELL. I suppose under the present situation the mortgage is not a very valuable asset, is it?

Mr. KIRWAN. No, sir.

Commissioner O'CONNELL. Has there been any proposition that you know of to buy the building from the miners?

Mr. KIRWAN. No, sir; not that I know of. There may be, but I don't know of it. I have not been officially connected with the organization for three or four years.

Commissioner O'CONNELL. One of the gentlemen who was subpœnaed, Mr. Ryan, is connected with the building?

Mr. KIRWAN. He is the janitor. He is supposed to own the entire building.

Commissioner O'CONNELL. He was one of the incorporators and claims ownership?

Mr. KIRWAN. He was not one of the incorporators but is trying to assume the claim of the incorporators.

Commissioner O'CONNELL. Does he make any claim as to ownership?

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. That is all.

Commissioner GARRETSON. Let me ask one question about that suit. I remember noticing in the Deadwood papers under date of last Saturday a notice, I think it is termed a citation, to Moyer and other officers of the Western Federation of Miners, in which the name only of the attorney for the plaintiff is given. Do you know who the real plaintiff is in that action?

Mr. KIRWAN. We have our suspicions.

Commissioner GARRETSON. Is it in connection with that building?

Mr. KIRWAN. Yes, sir; there is some technical point involved in that notice; I don't exactly understand it; I am not familiar with it.

Commissioner O'CONNELL. I understood you to say that the eight-hour day has prevailed at Butte and Colorado and many other places for many years prior to its being put in here.

Mr. KIRWAN. Yes, sir.

Commissioner O'CONNELL. What are the wages of the miners at Butte?

Mr. KIRWAN. They have what they call a sliding scale. For any man that goes underground the minimum is $3.50; it does not make any difference what kind of work the man is performing, if he goes underground he gets $3.50. If copper goes over 15 cents a pound he receives $3.75; if it goes to 17 cents or over he receives $4 per day.

Commissioner O'CONNELL. What is the rate in Colorado?

Mr. KIRWAN. That is different; there are no copper mines in Colorado.

Commissioner O'CONNELL. But you have gold there.

Mr. KIRWAN. The rate in Colorado is about the same as here only as to machine men; they get 50 cents a day more than they do in the Black Hills.

Commissioner O'CONNELL. Does the rate and wages of the metallurgical miners generally throughout run as high or higher, as a general proposition, than they are in the Black Hills?

Mr. KIRWAN. I believe they are higher in the majority of the mining camps of the West.

Commissioner O'CONNELL. Is it your opinion that the cost of living has increased or decreased in this territory during the past 10 years?

Mr. KIRWAN. I believe it has increased.

Commissioner O'CONNELL. To what extent do you think it has increased?

Mr. KIRWAN. Well, I could hardly tell.

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. The commission will now take a recess until 7.30 p. m.

(And now, at 5.30 o'clock p. m. of this Monday, August 3, 1914, a recess was taken until 7.30 o'clock p. m. of the same day.)

EVENING SESSION.

Now, the hour of 7.30 having arrived, to which time the commission took a recess, the following proceedings were had:

Acting Chairman COMMONS. The commission will please come to order. Mr. Irwin, will you please take the stand?

TESTIMONY OF MR. E. F. IRWIN.

Acting Chairman COMMONS. Just give us your name.

Mr. IRWIN. E. F. Irwin, Lead, S. Dak.

Acting Chairman COMMONS. Mr. Irwin, you have charge of the employment office of the Homestake Mining Co.?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Please describe the duties of the office, the work that you do in your office.

Mr. IRWIN. Well, the duties of the office are to employ the men required in the different departments of the workings of the Homestake; take applications from the men; pick out the most desirable positions where men are needed.

Acting Chairman COMMONS. How long have you held that position, Mr. Irwin?

Mr. IRWIN. Ten years this month.

Acting Chairman COMMONS. The system that is now in use you developed yourself in the course of the 10 years?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. How do the requisitions for help come to you?

Mr. IRWIN. They usually come in the way of telephone, or consultation with the head of the department requiring men, coming around and talking over the kind of men they want, the qualifications necessary, with a view to getting as good men as posible always for the places where they are needed.

Acting Chairman COMMONS. All applications are made at your office, are they?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Are you familiar with the system that they formerly used in the hiring of men?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. What is the advantage of your present system over that?

Mr. IRWIN. Well, we are enabled to look over the men, talk with them along the lines of the work that they have been doing, ask them all sorts of questions to bring out what kind of men they are for the particular kind of work in which they were engaged, or want to engage in. A great many things that one gets by experience that leads to forming of a judgment as to the character of men that apply and whether they are necessary and desirable, and those that are undesirable; it gives one more time to make a selection than it did under the old rule where a shift boss or foreman selected a man from a bunch of men who were standing around the shift looking for work, resulting in better men.

Acting Chairman COMMONS. When you send a man to shift boss, he puts him to work at once, does he? Does he have any voice in the matter?

Mr. IRWIN. No, sir; he puts him to work and tries him for the position that he is hired for.

Acting Chairman COMMONS. I notice here in this exhibit that you handed in you have reasons for men leaving, given by bosses, and reasons given by employees for leaving the service. These reasons given by the bosses, they come to you in what form?

Mr. IRWIN. They come to me in writing on a form that is used for that purpose.

Acting Chairman COMMONS. Have we a copy of that form? [Mr. Irwin produces paper and hands same to the chairman.]

(The paper so presented was marked "Exhibit No. 1, Witness Irwin, Aug. 3, 1914.")

Acting Chairman COMMONS. Simply a statement that he leaves the service, and gives his reason for it.

Mr. IRWIN. Gives the shift boss's reason for his leaving.

Acting Chairman COMMONS. The shift boss's. It comes directly to you from the shift boss, then, does it?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Then the man that leaves the service comes to you for his time, and you will take from him his reasons for leaving?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Do you find that these agree or disagree, in general? What is the different ways in which they give their reasons?

Mr. IRWIN. Well, in the main they generally agree.

Acting Chairman COMMONS. I notice that this tabulation here during this month showed that there were 68 men taken on. Wait until I find the number that left the service. It does not give the number that left the service.

Mr. IRWIN. I think it does there.

Acting Chairman COMMONS. Thirty-eight.

Mr. IRWIN. Just next to the bottom on the first page.

Acting Chairman COMMONS. Yes; 38. You have a force—you have to keep up a force in your office of how many men?

Mr. IRWIN. Three.

Acting Chairman COMMONS. I mean working force, employees.

Mr. IRWIN. In the office, you say?

Acting Chairman COMMONS. Well, I mean in your office that is responsible for furnishing the company with a force of 2,200 men. Is that the number that you are responsible for?

Mr. IRWIN. I have the hiring of the men to that number, or covering that number.

Acting Chairman COMMONS. To keep up that force.

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Now, how many men do you hire in a year to keep up that force?

Mr. IRWIN. Five hundred and fifty to six hundred. That is not to keep up that force exactly, because extra men are put on during the summer for extra work and laid off in the fall who are counted in on the year's total of hiring.

Acting Chairman COMMONS. Well, those extra men are for extra construction work, I presume?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. To keep up the working force, aside from the new construction, how would it figure out?

Mr. IRWIN. I should say that 35 would cover the underground workings a month; probably 8 or 10 the surface; maybe not that much; I don't think it would be over 6 or 8 for the surface, making a total of 40 to 45.

Acting Chairman COMMONS. That would be about 500 men?

Mr. IRWIN. No; not that many—450.

Acting Chairman COMMONS. Four hundred and fifty?

Mr. IRWIN. I think it would be, for the year; yes, sir.

Acting Chairman COMMONS. Have you made a comparison with other mining operations of the number of men they are required to hire for keeping up their force?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. In the coal mines or any others?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. You have to hire, practically, then, about one man during the year for every four or five?

Mr. IRWIN. One for every six; yes; 20 per cent.

Acting Chairman COMMONS. That would indicate a very steady force.

Mr. IRWIN. It indicates that 80 per cent of our men stay with us through the year.

Acting Chairman COMMONS. Possibly 80 per cent?

Mr. IRWIN. Possibly 85.

Acting Chairman COMMONS. Ordinarily a company would have to hire a much larger number than that to keep up the force.

What records have you of the length of service of your 2,200 employees? Can you give the length of service or the number of years classified by the time they have been with the company?

Mr. IRWIN. Well, we have a card system—card-index system—that covers the last 10 years. Previous to that we have no record of that kind without going to the individual names on the several pay rolls back indefinitely.

Acting Chairman COMMONS. I see. What proportion have been here 10 years?

Mr. IRWIN. Over half. Consider, though, that we had the changing of the men during the trouble. It is pretty hard to make an estimate of that. I think there are over half of the men here that were here 10 years ago.

Acting Chairman COMMONS. Then, about 1,000 men here were here 10 years ago?

Mr. IRWIN. Yes, sir. We have a Homestake Veterans' Association which has 150 members, men who have worked for the Homestake for 21 years or over, some of them 35 and 36.

Acting Chairman COMMONS. How many men in that?

Mr. IRWIN. One hundred and fifty.

Acting Chairman COMMONS. One hundred and fifty that have been here?

Mr. IRWIN. Yes, sir; that have been in the service over 21 years.

Acting Chairman COMMONS. What class of labor are they? Are they men that have been—they must be men along in years, of course.

Mr. IRWIN. Naturally; yes.

Acting Chairman COMMONS. Are they men who are miners, or are they bosses?

Mr. IRWIN. Well, they are recruited from all the different departments of the company. A great many of them are miners, machinists, blacksmiths, millmen.

Acting Chairman COMMONS. The question was raised to-day about the number of days per month or per year that the men actually put in on their work. Have you any exhibit with you or any data that you could show us about the amount of time that they put in?

Mr. IRWIN. I took three time books for the month of July at random from the 20 or 30 time books, which will show the amount of time that these men put in for the month of July, to give you an idea.

Acting Chairman COMMONS. That is, the past month?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. May I just look over that? Suppose I take up the different occupations as I go along. First comes timbermen in this list I have here. Timbermen get how much pay, Mr. Irwin?

Mr. IRWIN. $3.50 a day; some $4.

Acting Chairman COMMONS. $3.50 and $4. Each book is for a certain level?

Mr. IRWIN. For the shift bosses.

Acting Chairman COMMONS. And he has one level, or how?

Mr. IRWIN. It is according to how many men he has. Some have two levels; but mostly one.

Acting Chairman COMMONS. Is it your idea that this would be a representative month? If you took any month during the year, July would be about the same as any month?

Mr. IRWIN. Yes, sir; they run pretty regular; just about the same the year around.

Acting Chairman COMMONS. I notice these men that get $3.50 the days that they work run 28, 30. There was 31 days possible in July?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. 30¼, 29, 30, 24¼, 29—446 days for the number of men on that page. I can't figure out that average—what that amounts to. The lowest is four days. One man was off two weeks.

Mr. IRWIN. Yes; off on vacation. A great many men are off for a vacation during the months of July, August, and September. Sickness or vacation would cause that. It would not be for any other reason that I know of.

Acting Chairman COMMONS. Juris was off one week; Minsen was off all but four days. The rest run from 28 to 30. The high pay was made by a man who got $4, who gets $117 for that month for 29¼ days. It would look as though the average number of days that they put in was something like 29.

Mr. IRWIN. Twenty-eight or twenty-nine. I think twenty-eight would be nearer the average.

Acting Chairman COMMONS. That is, they were off on the 4th and 5th quite regularly?

Mr. IRWIN. That is a combination of a national holiday with change day following. The men change. So that we gave them two days off as much at the request of the men as any other reason, so that they could enjoy two days' vacation, one being a national holiday.

Acting Chairman COMMONS. Is there any special reason why timbermen should work more regularly than others—any necessity?

Mr. IRWIN. Well, they do work. They do possibly more a month because they are working on other days when other men are off, timbering in the places where miners are working at other times.

Acting Chairman COMMONS. So that they are likely to put in more days than others?

Mr. IRWIN. You have two other books for the miners working on other levels. It will show nearly the same amount of time.

Acting Chairman COMMONS. Miners seem to run 29, 27, 28½, and here is one 21, and 29 and 29. The general average seems to be about the same, isn't it?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. You would say that is about the same, 29 days for miners?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. The laborers apparently the same. The great majority run 28 and 29, 29½. What position is the barmen; what do they do?

Mr. IRWIN. Men go through the stopes and bar down the rock from the roof wherever it appears to be unsafe, so as to make it perfectly safe for the miners and carmen and shovelers that work underneath.

Acting Chairman COMMONS. That is a skilled position, and they get $3.50?

Mr. IRWIN. Yes; they have to be good miners and understand the ground.

Acting Chairman COMMONS. There is only a small number of those?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. The shaft men are skilled men, $4.50?

Mr. IRWIN. $4 and $4.50.

Acting Chairman COMMONS. They run the cage?

Mr. IRWIN. No, sir; they look after the repairs in the shafts, and go through the shafts between shifts and see everything is safe for the following shift.

Acting Chairman COMMONS. Are they miners?

Mr. IRWIN. No, sir; timbermen primarily—recruited from the timbermen ranks.

Acting Chairman COMMONS. They put in 32, 32, 33½, 32½, 34; how would they get in extra half days?

Mr. IRWIN. They are on duty eight hours; then if there is any repair work to be done or anything to be changed in the shaft between shifts they put in overtime that time, a quarter shift possibly. You see, there are several quarter shifts running through their time during the month. They are not working eight hours steady all day. They are on duty ready for any emergency that arises.

Acting Chairman COMMONS. They are emergency men?

Mr. IRWIN. Yes, sir.

Chairman COMMONS. They must be there between shifts, I presume?

Mr. IRWIN. Yes, sir.

Chairman COMMONS. Some of them must be there, and they make $128 to $146. The pipe men, what is their line of work?

Mr. IRWIN. Putting in air pipes throughout the mines—air and water.

Acting Chairman COMMONS. That is a $3.50 and $4 position?

Mr. IRWIN. $3.50 and $4.

Acting Chairman COMMONS. They have 24 to 31 days, 31¾; they get overtime?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. And they are working between shifts?

Mr. IRWIN. Not so much; no, sir.

Acting Chairman COMMONS. What about the watchmen. They get $3.50. What is the duty of the watchmen?

Mr. IRWIN. The mine watchmen go to work at 10.30 in the morning and work until 4.30 at mining or timbering, whatever the shift boss or foreman has for them to do, and after the shift leaves the mine they visit the various parts of the mine, dividing the mine up into sections, where timbers are, and looking out for fires or anything being wrong; that is, there is time until the next shift comes on so as to give them eight hours work beginning at 10.30 in the morning and ending at 7 at night.

Acting Chairman COMMONS. Are they able to get a little overtime, these men that are mining at the drill?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Then they seem to run 30, 27½, 28, 29¾, 30 28¾, 28½ days off; run four and five. Laborers about the same apparently, four and five are the days off, and they work 25, 28, 30, 28, 30—it seems to run along there with laborers about the same, about 28 or 29.

Mr. IRWIN. You will notice where you are reading the figures there for any particular man, 21, 22, 24, 25, they are off at some particular time, that the time is usually all bunched together, he is off at his own request and not being laid off by the company, only at very rare intervals.

Acting Chairman COMMONS. Where it notes a low figure, it is evident that he has been off two or three weeks? For example, 9½ days; one, 16 days; another, 2 days. I was trying to get the men that were working steadily, apparently. One man 20; another, 26½; but they don't seem, any of them to take their Sundays off. When they do take days off, with the exception of four or five, they have taken a week off or several days in succession. That seems to be the prevailing practice, does it not?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. Track men. Is there any reason why they should be steadily at work?

Mr. IRWIN. Well, they are men who are keeping up the tracks throughout the mine, tracks that the cars are run on, and it is necessary for them to be there, or somebody in their place every day, because the work is necessary to be done.

Acting Chairman COMMONS. Are they on between shifts, or work on the regular shifts?

Mr. IRWIN. They usually work a straight shift; not very often they work overtime.

Acting Chairman COMMONS. They work with the shift, then?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. I presume these other books will probably show similar conditions?

Mr. IRWIN. Just about; yes, sir.

Acting Chairman COMMONS. About the same. When a man wants to lay off on Sunday, does he come to you or does he come to the shift boss?

Mr. IRWIN. He asks the shift boss, or notifies him the day before he wishes to lay off Sunday.

Acting Chairman COMMONS. It is left to the shift boss to decide, is it?

Mr. IRWIN. Well, it is not. The shift boss is instructed to let any man lay off Sundays that asks to get off—without question.

Acting Chairman COMMONS. That is, the instructions are to let them off without question?

Mr. IRWIN. On Sunday.

Acting Chairman COMMONS. On Sunday, that is what I am asking about.

Mr. IRWIN. Yes.

Acting Chairman COMMONS. Taking up this sheet nationality report of mine employees for June, for the mine, you have 1,286, of which 653 are put down as Americans; I presume that means born in America, does it?

Mr. IRWIN. Born in the United States.

Acting Chairman COMMONS. Born in the United States?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. And the largest number outside of that is Englishmen, 120. Then, next comes the Austrians 112, Italians and Finlanders about 92 or 93 each, so that about one-half are American born according to that?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. That is about the present status?

Mr. IRWIN. Yes, sir.

Acting Chairman COMMONS. You stated, I believe, that six or seven years ago the proportion was—have you records for that time?

Mr. IRWIN. Not here. I stated 29 per cent Americans and English, and 71 per cent foreign, outside of English-speaking nationalities.

Acting Chairman COMMONS. Taking all employees, 2,100 during the month of June, there were 1,214 that were Americans; that is, 57 per cent. The foreigners then are mainly underground, are they not?

Mr. IRWIN. The larger number; yes.

Acting Chairman COMMONS. The Austrians 117 altogether, 112 underground?

Mr. IRWIN. Yes.

Acting Chairman COMMONS. Mr. Garretson, would you like to ask a question?

Commissioner GARRETSON. The statement was made to-day that the questions that appeared in your application for employment were for the purposes of identification, certain questions therein. Does that mean that in common with other occupations listed as extra hazardous, for the purpose of identification in case of an accident happening?

Mr. IRWIN. Well, not as much as it is for the purpose of identification in case anyone writes to us concerning that man, or about him, from any place else. Frequently relatives will ask if we have such a man, a certain man, describing him.

Commissioner GARRETSON. As a means of identification to those relatives, a man's politics and his religion——

Mr. IRWIN. We want to know after the man leaves our service, we want to keep a record of him, so that when he returns we can identify him that much easier if we have such a record.

Commissioner GARRETSON. No danger of him changing either his politics or his religion in the meantime?

Mr. IRWIN. There certainly is.

Commissioner GARRETSON. Then, how would it serve as a means of identification?

Mr. IRWIN. I didn't say that that served as a means of identification.

Commissioner GARRETSON. Well, it was testified that was the object of it.

Mr. IRWIN. No, I did not.

Commissioner GARRETSON. That is not the object, then?

Mr. IRWIN. Mr. Grier testified that was the object?

Commissioner GARRETSON. Yes.

Mr. IRWIN. But everything taken together on that application, generally speaking, it is for a means of identification, and we want to know something about a man's past life and his views and his convictions. We don't want to put a man in the mine who is an anarchist, was against all government and everything else. We take that means to protect ourselves.

Commissioner GARRETSON. Then that is part of the definition of what you testified a moment ago you got better men?

Mr. IRWIN. Yes; that is one reason.

Commissioner GARRETSON. They are the better fitted for the purposes you want them for?

Mr. IRWIN. I think so.

Commissioner GARRETSON. Then you mean to convey the idea that it is not because you want to know whether a man is a Catholic, a Baptist, or a Presbyterian, but you want to know whether he is an atheist?

Mr. IRWIN. Well, yes; we want to know whether he has any belief in a Supreme Being in his heart.

Commissioner GARRETSON. Then, in regard to politics, you do not want to know whether he is a Republican or Democrat, but whether he is a Socialist?

Mr. IRWIN. I don't think a man makes a very good employee who has no belief in a Supreme Being or has no respect for government.

Commissioner GARRETSON. Then, belief in a Supreme Being and in obedience to his commands go hand in hand or not?

Mr. IRWIN. They should theoretically, but they don't always practically.

Commissioner GARRETSON. Is it done here?

Mr. IRWIN. I think there are exceptions to the rule.

Commissioner GARRETSON. These 125 men in your veterans' association.

Mr. IRWIN. One hundred and fifty.

Commissioner GARRETSON. One hundred and fifty. How many of them are below the rank of shift boss?

Mr. IRWIN. Below the rank of shift boss and officials, I should judge there are 50 or 60 per cent.

Commissioner GARRETSON. Fifty or sixty per cent?

Mr. IRWIN. From the ranks.

Commissioner GARRETSON. Have you a list of that veterans' association easily available?

Mr. IRWIN. I have one.

Commissioner GARRETSON. With the positions of the men?

Mr. IRWIN. I can get you one.

Commissioner GARRETSON. Will you furnish that?

Mr. IRWIN. I will.

(See Irwin exhibit, under "Exhibits.")

Commissioner GARRETSON. We would be very glad to have it. That is all, Mr. Chairman.

Commissioner LENNON. What does the physical measurement of a man amount to? What standard do you insist on, taking a miner, for instance?

Mr. IRWIN. When an application is taken at my office all those questions are answered and the answers filled and the application is signed by the applicant. It is then put in an envelope, directed to the Homestake Hospital where he goes, and one of the attending physicians examines him just as thoroughly as he would be examined for an old line insurance company.

Commissioner LENNON. You examine him just about the same?

Mr. IRWIN. Physically, because we believe that they ought—every man working for the company belongs to the aid fund association, and we do it in some measure to protect them, we take their measure physically to see that they are not physically unfit to enter any other life insurance company. We protect our own employees in that way and also get good men physically for the work.

Commissioner LENNON. That is all I want to ask.

Acting Chairman COMMONS. That is all, Mr. Irwin; thank you. Dr. Clough.

TESTIMONY OF DR. F. E. CLOUGH.

Acting Chairman COMMONS. Give your name and address.

Dr. CLOUGH. F. E. Clough; I live at Lead, S. Dak.

Acting Chairman COMMONS. How long have you been connected with the company?

Dr. CLOUGH. Twelve years.

Acting Chairman COMMONS. In the position you now hold?

Dr. CLOUGH. No; I am only in temporary charge of the hospital while the chief surgeon is in Europe; regularly I am his first assistant here.

Acting Chairman COMMONS. You started in there as what?

Dr. CLOUGH. Started in as the office doctor.

Acting Chairman COMMONS. How many doctors are there employed?

Dr. CLOUGH. We have six doctors who devote their time exclusively to the Homestake Hospital; one man who devotes a small part of his time to it.

Acting Chairman COMMONS. Are these men graduates of medical colleges?

Dr. CLOUGH. Yes, sir; every one.

Acting Chairman COMMONS. What does the company do toward advancing their education after they are employed?

Dr. CLOUGH. It compels us to take a month's vacation every year to attend different clinics throughout the country.

Acting Chairman COMMONS. Where you go away on pay?

Dr. CLOUGH. Yes, sir; that is our work, but the pay never equals what we have to spend; but we are compelled to go one month out of every year.

Commissioner GARRETSON. You doctors have no grievance committee?

Dr. CLOUGH. No; we have no grievance committee.

Acting Chairman COMMONS. Does your office make the physical examination that Mr. Irwin referred to?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. Would you describe that examination and give some indication of how thorough it is, what standards are that you use, and other things.

Dr. CLOUGH. We examine the man about the same as he is examined for the Army. His eyesight is examined; his hearing is examined; his lungs and his heart are gone over; his abdomen is examined; is examined for hernia, for signs

of kidney trouble; he is examined for varicose veins and hardening of the arteries; we look for evidence of chronic alcoholism; we generally size up the man, whether he is perfectly fit or not.

Commissioner LENNON. How near a perfect standard are they required to be in order to get the job?

Dr. CLOUGH. He has to be physically perfect. We don't accept any man who is blind in one eye or who can not see well with both eyes; we do not accept any deaf man; no man who has any heart disease of any description or any lung trouble. We discard him if he has hernia, if they have marked varicose veins, any form of kidney trouble, hardening of the arteries, or if they look particularly weak or look like they were not healthy enough to stand the work underground.

Commissioner O'CONNELL. How long has that examination been going on, Doctor?

Dr. CLOUGH. It has gone on since September, 1911.

Commissioner O'CONNELL. Those that were employed before that time, have they been examined?

Dr. CLOUGH. No, sir.

Commissioner O'CONNELL. All the employees, then, in the service of the company before this arrangement was established continued their employment without examination, regardless of their physical condition?

Dr. CLOUGH. Yes, sir.

Commissioner GARRETSON. Have you ever developed a case of hardening of the arteries except one of two things—age or premature age?

Dr. CLOUGH. Yes; we have some alcoholics that show signs of that.

Commissioner GARRETSON. But they are generally stronger in another direction, though?

Dr. CLOUGH. Yes.

Commissioner GARRETSON. It will affect the liver before the arteries, as a rule?

Dr. CLOUGH. In some cases.

Commissioner LENNON. This is a little outside of the thought, but did you ever consider the advisability of an examination of the old employees for tuberculosis? Has it ever been considered by the staff?

Dr. CLOUGH. Well, the proposition is this: Running the hospital the way it is, we see practically every employee when they are there sick the least bit, and they are likely to come to one of the hospital doctors, and in that way we know practically everybody on the pay roll who has any form of tuberculosis.

Commissioner LENNON. You know something of the work Dr. Sachs is doing in the industrial situation in Chicago?

Dr. CLOUGH. Yes, sir.

Commissioner O'CONNELL. What is the number of accidents the hospital takes care of per month?

Dr. CLOUGH. We took care during the year 1913 of 1,109 accidents. That includes the most trivial accident and the most serious. Of those 1,109 accidents 800 were men working in the mine and around the works; the other 309 occurred in members of the families of Homestake employees.

Commissioner O'CONNELL. How many serious accidents were there?

Dr. CLOUGH. There were probably 30 serious accidents.

Commissioner O'CONNELL. How many deaths?

Dr. CLOUGH. There were 4 deaths from accident, there were 16 deaths from sickness, in the year 1913.

Commissioner O'CONNELL. What were the causes from the deaths from accident?

Dr. CLOUGH. All injuries underground. One man was caught between a motor and the wall of a draft and crushed; the other three were due to falling rock crushing the men, who died of skull fractures. One died of a crushed-in chest.

Commissioner O'CONNELL. Are there any first-aid stations around the places, or do they bring them right direct to the hospital?

Dr. CLOUGH. We have first-aid boxes around through the mines, but it only takes 10 or 15 minutes to get the men to the hospital. There is always a doctor on duty at the hospital before an accident of any consequence arrives, and most of the first-aid work is done right in the hospital.

Commissioner O'CONNELL. Have you an ambulance?

Dr. CLOUGH. We have an ambulance; yes, sir. We have in all of the levels of the mine stretchers so arranged that a man can be strapped directly onto them, and not moved off from it. These stretchers can be taken up into any place in the workings; they can be taken down a manway or run down with a

windlass, and when the man gets to the surface the stretcher is put into the ambulance, brought immediately into the hospital, and he is not taken off of it until the doctor assumes charge of the case.

Commissioner O'CONNELL. Are there any cases of men losing their arms and legs.

Dr. CLOUGH. I should say in the last eight years—that is as far back as I could remember surely—we have amputated two legs and two hands. Those were all due to crushing injuries. We do not have the severe crushing injuries that they have in railroad work. These injuries that we get are mostly due to heavy rocks coming down and crushing them, but not smashing them absolutely as the wheels of a train would running over a man's leg. As a result, the great majority of our fractures of the leg all get well, and that is the commonest kind of severe injury that we have here.

Commissioner O'CONNELL. Any cases of men losing their sight?

Dr. CLOUGH. Some. There have been two or three men who have totally lost their sight. There have been quite a few men who have lost one eye.

Commissioner O'CONNELL. What has become of those men that lost their sight?

Dr. CLOUGH. The only one that I knew anything about went back to his relatives in Finland. I think there have been only two or perhaps three in a number of years.

Commissioner O'CONNELL. The men that have lost their limbs, what has become of them?

Dr. CLOUGH. They are right here.

Commissioner O'CONNELL. Working?

Dr. CLOUGH. Working every day; yes, sir.

Commissioner O'CONNELL. What is the man with the one hand doing?

Dr. CLOUGH. Working hard.

Commissioner O'CONNELL. Doing what, watchman?

Dr. CLOUGH. Tallying.

Acting Chairman COMMONS. What part in the selection does the ages of the men have with reference to physical examination?

Dr. CLOUGH. Not very much; some old men are good men, and some young men are no good. Sunday noon a man 60 years old was passed for work.

Acting Chairman COMMONS. I notice here that in this list the oldest man that was examined and passed was 66 years of age. Is that correct—that is, a man that was actually hired during this present calendar year, up to the present time, there is one 66 years of age. On what ground was such a man allowed to be employed?

Dr. CLOUGH. I don't know, unless he was a man who hadn't aged much.

Mr. IRWIN. He was a painter for temporary work.

Acting Chairman COMMONS. Well, take the one at 58.

Dr. CLOUGH. He probably was the same way. This year they have hired a good many men to finish this recreation building, working on until that was completed. The majority of these older men would never be hired for permanent work. And undoubtedly on the record that the doctor turned in this man was passed and marked for temporary work only.

Acting Chairman COMMONS. Well, that would probably hold for men down to 44 years of age. I notice there is one man at 44 and at 45.

Dr. CLOUGH. Yes; every once in a while one comes on for permanent work who is older than that.

Acting Chairman COMMONS. For permanent work who is older than 44?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. Then at the age of 43 the number increases. There are five, and five at 42.

Commissioner LENNON. Do you have many applications of men over 40?

Dr. CLOUGH. I don't know; Mr. Irwin could tell you that.

Mr. IRWIN. We have a good many applications from men from 45 to 50, but we only select the best of them.

Commissioner O'CONNELL. What is the standing of a man that wears glasses and is otherwise fit?

Dr. CLOUGH. Unless he is shortsighted we let him go to work. If he is a shortsighted man, and has to wear his glasses underground, we do not accept him.

Acting Chairman COMMONS. Take the examination that you make of men after they are employed; what proportion of the men would be considered to have tuberculosis?

Dr. CLOUGH. We have on hand right now 20 cases of pulmonary tuberculosis amongst all the Homestake employees.

Acting Chairman COMMONS. What ages are they?

Dr. CLOUGH. Well, they run, I should roughly say, from 30 years up. A great majority of them have occurred in those who have worked underground for very many years. One other peculiar thing is that the great majority of these cases of tuberculosis develop in men who start their underground working before they become of age. It is peculiarly true among Cornishmen that almost without exception they went to work over in Cornwall when 12 or 13 or 14 years of age and have continued it right along since.

Acting Chairman COMMONS. You find this mostly among foreign born?

Dr. CLOUGH. Yes; a good many among the foreign born. The Cornish and the Italians; some few Italians are more prone to tuberculosis than our northern Americans. The Americans who come up from Kansas and southern Missouri, a great many of those develop tuberculosis.

Commissioner GARRETSON. Are a good many of the mines of the Cornish workings below sea level?

Dr. CLOUGH. Yes; they all are.

Acting Chairman COMMONS. What has been done since this matter of examination was installed? What has been done toward improving conditions so as to avoid tuberculosis?

Dr. CLOUGH. It has been a campaign of education every way around. One of the most potent factors I think for reducing this has been in taking in of the water machines for drilling. Doing away with the clouds of dust the men inhaled. We never could get the men to use any kind of respirator in the mines. They would stand and breathe this kind of dust rather than to have anything over their mouth. A good many even preferred dust flying in their faces to a little bit of mud from the water machines. They are getting educated to that. Another thing we have found difficult to handle is getting these men to sleep with open windows. Particularly the Austrians, I think, like to pile on all the bedclothes they can find and shut down all the windows.

Acting Chairman COMMONS. What other condition in the mines or other nature of work that causes tuberculosis—the dampness?

Dr. CLOUGH. I don't know that that is a particular factor.

Acting Chairman COMMONS. You wouldn't count the dampness?

Dr. CLOUGH. No, sir; I don't think so.

Acting Chairman COMMONS. Would you count the smoke of blasting?

Dr. CLOUGH. I think one other factor, perhaps, that had something to do with it, that which has been entirely eliminated, has been the building of this "dry" at the Ellison hoist. Before that the men as they came up had to run across the bridge in cold weather to the "dry" on the other side of the hill, and a good many of them had chronic colds as a result of that. Now they don't get chilled at all.

Acting Chairman COMMONS. That is, they change their clothes?

Dr. CLOUGH. They change their clothes right at the Ellison and put on dry clothes, and that has been eliminated.

Acting Chairman COMMONS. What steps have been taken in addition to what you have mentioned in improving the surroundings in the levels?

Dr. CLOUGH. I could not say as to that.

Acting Chairman COMMONS. The main thing, you think, is the substitution of the water drill, is it?

Dr. CLOUGH. Substitution of the water drill and leading hygienic lives, general clean-up of conditions around town.

Commissioner O'CONNELL. Have you any form of slips you have around and little "don'ts" and simple remedies?

Dr. CLOUGH. We are just starting that now.

Commissioner O'CONNELL. They are very effective, very effective, without putting themselves to too much inconvenience, distribute them among the homes.

Acting Chairman COMMONS. Do you keep the accident statistics showing the number of accidents each year?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. Have you the figures?

Dr. CLOUGH. I can give you the total figures, not for the Homestake employees alone but for the Homestake's employees and their families. We haven't divided these figures except for the last year. Now, for the years from 1909 to 1913 the surgical cases run like this: 783, 918, 1,276, 1,228, 1,109. Now, whether the same per cent—that is, 27 per cent of these statistics for 1913

occurred in the families of our employees; whether the same per cent would hold true for the other five years I am not certain, but it would be fairly close to that.

Acting Chairman COMMONS. Does that show a reduction or not?

Dr. CLOUGH. It shows a reduction in the last year of 118.

Acting Chairman COMMONS. Of operations?

Dr. CLOUGH. One hundred and eighteen surgical cases less. The first three months of 1914 show a reduction of 32 per cent over the first three months of 1913, and it was in 1913 we began inaugurating the safety campaign. We have no safety bureau, but we have a safety campaign that is becoming pretty vigorous.

Acting Chairman COMMONS. That is, in 1913?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. It has been running just a little over a year?

Dr. CLOUGH. Just about a year since we got it going good.

Acting Chairman COMMONS. What was the first year's improvement?

Dr. CLOUGH. The per cent of our serious-accident cases was very much diminished. The small-accident cases haven't shown so much decrease yet. By the small-accident cases I mean mashed fingers, where it does not lay the men off more than a day or two, or a cut on the leg, or something of that kind.

Acting Chairman COMMONS. You have records showing the amount of time lost?

Dr. CLOUGH. No, sir; that is not kept at the hospital office; the timekeeper keeps that.

Acting Chairman COMMONS. Do you, Mr. Irwin, have that record?

Mr. IRWIN. We have that record for 1914 only.

Acting Chairman COMMONS. So that it does not give any comparison?

Mr. IRWIN. No, sir.

Acting Chairman COMMONS. That is all.

Commissioner LENNON. Does the standard of living in the different nationalities or different families affect the frequency of tuberculosis either in the children or the parents?

Dr. CLOUGH. To a certain extent, I think there has been a great change made in the sanitary conditions in most of these homes in the last few years. There is not so much crowding. That is a very potent factor for reducing tuberculosis. There are still some of the homes around here where they have two or three boarders, but in the old times there was five or six room families where in the house they would have one crew night shift and one crew day shift men living in the same room. That does not at all exist now.

Commissioner O'CONNELL. The one that got home first got the best?

Dr. CLOUGH. Yes; at the time they put the eight-hour shift into effect, and the men started coming home at 3 o'clock in the morning, there was a great deal of scrambling around here for a while to get that shift off.

Commissioner O'CONNELL. If they happened to lay off at the same time there would be some struggle, I suppose.

Acting Chairman COMMONS. Has the hospital service or nurses taken an active part in this matter of education regarding crowding and overcrowding, and so on?

Dr. CLOUGH. Not a great deal.

Commissioner O'CONNELL. How many nurses up at the hospital?

Dr. CLOUGH. We employ six graduate nurses.

Commissioner O'CONNELL. Do you take any other cases at the hospital other than company cases?

Dr. CLOUGH. Once in a while. We are generally pretty well filled. When any emergency case comes up that demands it we always see they are taken care of.

Commissioner O'CONNELL. Are there any other hospitals in the city?

Dr. CLOUGH. No, sir; all other accident cases are taken to the hospital at Deadwood.

Acting Chairman COMMONS. What is the expense of operating the hospital service?

Dr. CLOUGH. I have been told it is costing $50,000 a year.

Acting Chairman COMMONS. That includes everything?

Dr. CLOUGH. That includes everything.

Acting Chairman COMMONS. Nurses and so on?

Dr. CLOUGH. Nurses and doctors and maintaining the hospital.

Acting Chairman COMMONS. The company spent also about $12,000 in the aid—sickness aid?

Dr. CLOUGH. Twelve thousand dollars and the care of the aid fund, clerical force, and supplies.

Acting Chairman COMMONS. What additional expense is there in the way of taking care of sickness and accidents?

Dr. CLOUGH. That is all.

Acting Chairman COMMONS. That would be about sixty to sixty-five thousand dollars?

Dr. CLOUGH. Yes; that will cover it all.

Acting Chairman COMMONS. Cover the entire expense?

Dr. CLOUGH. Yes, sir.

Acting Chairman COMMONS. The practice for the families—the homes and families of the employees is done free of charge also, is it not?

Dr. CLOUGH. There is no charge for any medical or surgical service whatsoever to any Homestake employee or those directly dependent on him.

Acting Chairman COMMONS. Do many of them engage outside practitioners besides?

Dr. CLOUGH. I think we take care of at least 85 per cent of all the work occurring in the families of Homestake employees.

Acting Chairman COMMONS. How many physicians in the city outside of those employed by the Homestake?

Dr. CLOUGH. There are five.

Acting Chairman COMMONS. Their practice, I take it, is not with the employees except in a small proportion?

Dr. CLOUGH. Not so much. Then they depend a great deal on the outlying camps for their work.

Acting Chairman COMMONS. Do you want to ask any questions?

Commissioner GARRETSON. Yes; I want to render unto Cæsar that which is Cæsar's. I am president of an insurance company, and I have some business with doctors. I want to say you are the first doctor I have seen that could talk that long without using technical terms or Latin phrase, and I compliment you.

Dr. CLOUGH. If you had been up against some of these people around here, you would have to talk a good deal simpler language to them.

Acting Chairman COMMONS. Mr. Ryan.

TESTIMONY OF MR. THOMAS RYAN.

Acting Chairman COMMONS. Mr. Ryan, will you give us your name and address?

Mr. RYAN. I am a little deaf; you will have to speak loud.

Acting Chairman COMMONS. Will you give us your name and address?

Mr. RYAN. Thomas Ryan; I am secretary of the union miners.

Acting Chairman COMMONS. Are you a member of the miners' union?

Mr. RYAN. I do; yes, sir.

Acting Chairman COMMONS. A member and secretary.

Mr. RYAN. Yes, sir.

Acting Chairman COMMONS. How many members in the union?

Mr. RYAN. At the last meeting we had 12 members. We have possibly about 16 members attending meetings off and on.

Acting Chairman COMMONS. Are they employed in Lead?

Mr. RYAN. Some of them are employed around the country, not all of them in town—the outskirts of the town.

Acting Chairman COMMONS. What is the number of the local?

Mr. RYAN. Of the total?

Acting Chairman COMMONS. What is the number of the union?

Mr. RYAN. About 16.

Acting Chairman COMMONS. No.——

Mr. RYAN. Oh, No. 2.

Acting Chairman COMMONS. Is it a local union or district union?

Mr. RYAN. Sir?

Acting Chairman COMMONS. Is it a local union or district?

Mr. RYAN. It is an incorporation. We were called No. 2 of the Western Federation of Miners, but President Moyer, of the Western Federation of Miners, January 3, 1913, declared us defunct on account of us not paying dues.

The executive board—Miller came in in December, and hung around the union for about a week, and Saturday night, the first Saturday night in January, he handed me a letter, dated December 17. This letter read:

"This is to officially notify you that the custodianship of the Lead City Union Miners' Hall, which I have invested in you is hereby revoked. You are hereby ordered to turn all property over to Thomas Gorman, my representative, who has been appointed this day."

We were supposed to own the building. The summer of 1910, I think it was late in the fall, there was one of our tenants got about $500 behind in the rent and would not pay us. We could not get the money out of him, and we brought suit in a local court, and the lawyer told us, on account of a deed of trust that we had given Moyer, we would have to get his consent before we could bring suit.

I wrote to President Moyer in regard to it, and he sent us a kind of paper that enabled us to bring suit to get that money. And President Moyer, December 17 this letter was dated, revoked that order.

On Saturday night, the first Saturday night in January, he served that paper on me.

On Sunday night I says to him, "I suppose you will wait until the union meets on Monday night." He didn't answer thoroughly, just kind of grunted.

On Sunday night he handed me a paper dated January 3: "This is to officially notify you that on account of executive board Miller having reported to me that you have not the required amount of due-paying members, according to article so-and-so of the constitution and by-laws of the Western Federation of Miners, this is to officially notify you that your charter is hereby revoked. You are ordered to turn all money, books, papers of all descriptions over to executive board Miller, who will receipt for same."

On Sunday morning prior to that, executive board Miller came to my house about 10 o'clock, and I had just gotten up. It was a very cold morning in January, and he says: "I can't get in the building." "Well," I says, "you can get in the register's office." He says, "Yes." I says, "I will be down in a minute." I saw there was something strange. I came down and went to the register's office and says, "Mr. Miller, you want to work?" He says, "Yes." I says, "Come up here." I went in the office and I asked what he wanted, and he said he wanted to look at some of my books. I opened the safe and turned the books over to him, and he got what he wanted.

I have three bunches of keys in my pocket, and I had laid them down, and I turned around for the keys and the keys were gone. I closed the safe and I wasn't positive whether I had brought down three bunches or only two. I was looking for them when Miller came to the door. I says, "Have you seen my keys?" He says, "I have them." He says, "I want to see your charter upstairs." So we went upstairs, and I says, "Miller, give me them keys before I forget it." He says, "Oh, no; I think I will keep them keys; I have an order for you to look at, ordering you to turn all property over to me." That was after he had given me the notice that the custodianship of our building was revoked. So I had to take the keys away from Miller.

Well, about a week afterwards it was reported to the union that Miller had went to the office of a safe expert in town on Sunday morning and woke him out of bed, sent Mr. Gorman, his agent, to wake him up to open our safe.

Mr. Bartell, the expert, came over to the register's office, and they asked him if he could open the front door and open the safe. He told him he could not do it, he didn't think. That, in order to open it, he would have to blow it open. Mr. Bartell was not prepared to go ahead, or Miller was not either.

We didn't know that until a week after, after Miller had left. It is getting a little bit ahead of the story. If you want me to tell it, I would rather go back to the beginning—the beginning of the lockout.

Commissioner O'CONNELL. There are a few facts only I want to get. Do I understand you are not affiliated with the Western Federation of Miners now?

Mr. RYAN. No, sir.

Commissioner O'CONNELL. Then this union you claim to be a member of is simply a union composed of a dozen men here?

Mr. RYAN. It is an incorporation that was incorporated in 1880. The Lead City Miners' Union organized in 1877; they were incorporated in 1880 under a benevolent and charitable organization. This charter that we have from the State is perpetual; on account of the way it is we have a charitable and benevolent organization. This charter was to be renewed every 20 years, but according to a decision of Judge Bryan it was not necessary.

In 1893 we were one of the oldest unions that helped to organize the Western Federation of Miners at Butte. Off and on from that time we were a member of the Western Federation of Miners up to the time that Moyer declared us out.

Commissioner O'CONNELL. This union that you say was chartered under the State became a part of the Western Federation of Miners?

Mr. RYAN. Yes, sir; as was said to-day, just as we became a part of the trade assembly in the town and the district——

Commissioner O'CONNELL. But, as I understood you, what do you mean by under cover in some way?

Mr. RYAN. All our business was done under the name of the Lead City Miners' Union, a corporation. Whenever we were sued we were sued under the name of the Lead City Miners' Union, a corporation.

Commissioner O'CONNELL. Was this corporation composed of just its own men?

Mr. RYAN. Oh, no; the membership ran as high as they——

Commissioner O'CONNELL. What became of the rest of them?

Mr. RYAN. They gradually left the town after that lockout.

Commissioner O'CONNELL. These people that remained assumed the ownership of the property of the other men?

Mr. RYAN. These men—according to the articles of incorporation, the property can not be sold while there are nine men still there.

Commissioner O'CONNELL. Wasn't there some other people that had a financial interest in that property?

Mr. RYAN. They certainly have; in Butte, Mont., there is hundreds of men there interested in it, and they have shown it in what they done in Butte a few months ago.

Commissioner O'CONNELL. Haven't they got a mortgage on this property of a considerable amount?

Mr. RYAN. I would like to go back and tell you about the lockout and tell you about the mortgage; it would not take very much time.

Commissioner GARRETSON. Mr. Chairman, is there anything involved in this testimony except the title to a piece of property?

Acting Chairman COMMONS. Anything you want to bring out?

Commissioner O'CONNELL. I simply want to bring out the facts.

Mr. RYAN. Mr. Kirwan gave testimony here to-day regarding the lockout, and I want to give testimony here to show that we are not what we are said to be all over the United States.

Commissioner O'CONNELL. Who do you refer to—you say "we"?

Mr. RYAN. I mean the Lead City Miners' Union, the men in Butte, Mont., the men all over this country that are fighting the administration of Charles Moyer.

Commissioner O'CONNELL. As I understand it, you are not a member of the organization?

Mr. RYAN. They are not members; we are; and there are members in the fight that were old members of this union, and lived here all their lives until they left after the lockout. They are interested in the welfare of the members here that are holding this property for them. They are interested so much that we frequently hear from them. Now, we had—I have been in Van Tassel all summer. I got a letter from our lawyer last week, and he told me that he had a buyer for our share of that property for $10,000 that he was offered for it. He said he would be able to get $12,500 for our interest in that property. I wrote to Butte to members of the union that are interested in that property—that is, that was considered to be interested——

Acting Chairman COMMONS. I think that will do, Mr. Ryan. We would not care to enter into it any further.

Mr. RYAN. Sir?

Acting Chairman COMMONS. I think that will be sufficient this evening. We are very much obliged to you Mr. Scoggan.

TESTIMONY OF MR. WARREN E. SCOGGAN.

Acting Chairman COMMONS. Will you give your name and address?

Mr. SCOGGAN. Warren E. Scoggan.

Acting Chairman COMMONS. And your address?

Mr. SCOGGAN. Lead, S. Dak.

Acting Chairman COMMONS. Your present occupation?

Mr. SCOGGAN. Carpenter.

Acting Chairman COMMONS. Have you been a miner?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Member of the miners' union?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. At what time were you a member?
Mr. SCOGGAN. I have been a miner since 1893.
Acting Chairman COMMONS. Are you a member at present?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Of what organization?
Mr. SCOGGAN. Western Federation.
Acting Chairman COMMONS. We find now there are two. Which?
Mr. SCOGGAN. How is that?
Acting Chairman COMMONS. Which one?
Mr. SCOGGAN. Well, I belong to what is called the district union, spoken of here this morning.
Acting Chairman COMMONS. The one that Mr. Kirwan represented?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Or the one that Mr. Ryan represents?
Mr. SCOGGAN. The one that Mr. Kirwan represents.
Acting Chairman COMMONS. The one Mr. Kirwan——
Mr. SCOGGAN. Well, that he spoke of, rather.
Acting Chairman COMMONS. That he spoke of. Then you are a member of this district union, so-called, that is being formed?
Mr. SCOGGAN. I don't know as it is being formed; it is the remains of what is left.
Acting Chairman COMMONS. Where are the headquarters of that district union?
Mr. SCOGGAN. Deadwood.
Acting Chairman COMMONS. At Deadwood?
Mr. SCOGGAN. Yes.
Acting Chairman COMMONS. Are you one of the officers?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Could you give the membership?
Mr. SCOGGAN. No, sir.
Acting Chairman COMMONS. Are they employed at mining in this district?
Mr. SCOGGAN. Some of them.
Acting Chairman COMMONS. Were you a member of the union at the time of that lockout that has been described here?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. You have heard the story of the lockout that was presented here to-day?
Mr. SCOGGAN. Yes, sir.
Acting Chairman COMMONS. Is that substantially correct?
Mr. SCOGGAN. Well, I don't—it is not entirely correct, I think there is some mistake on the part of some.
Acting Chairman COMMONS. For example?
Mr. SCOGGAN. They were mistaken as to how things came about, etc.
Acting Chairman COMMONS. Would you state just by way of correction any point that you feel some error has been made on?
Mr. SCOGGAN. Well, only the impression that was made on me in the testimony as was given, was too much stress was laid on the publication in the paper of the cause of the lockout as the reasons for locking them out. As my understanding as a member of the Lead City Miners' Union for 20 years—that the method of communicating with the company was there was committees appointed with credentials given with the seal of the union and officially signed by the officials. That was the official way of communicating between the union and the company, not through newspaper publications. And these newspaper publications was not served on the company; that is, looking at it from what you say, we didn't intend it for that. It was simply publication for employees working for the company; not for the company.
Acting Chairman COMMONS. Was the union at that time accustomed to address communications to the management of the company?
Mr. SCOGGAN. Well, from my recollections and the reports from the management here—local management, that was one of the things that I heard reported, that any business they had to do with the company, that must come from the union as a committee with credentials with them. That was reported, and that is what they acted on after that.

Acting Chairman COMMONS. That was, you say, prior to this meeting in October, 1909?

Mr. SCOGGAN. Yes; that was all prior.

Acting Chairman COMMONS. It was the recognized practice that you should appoint committees?

Mr. SCOGGAN. Yes, sir.

Acting Chairman COMMONS. To see the management?

Mr. SCOGGAN. Yes, sir; not by publication.

Acting Chairman COMMONS. But in this particular case the organization did not follow that method, and adopted a resolution and sent it to the members for publication?

Mr. SCOGGAN. Yes, sir.

Acting Chairman COMMONS. Now, what is the difference between the two methods that you wish to emphasize?

Mr. SCOGGAN. Well, the difference: One was the custom, and the other was new, something that had never been done before.

Commissioner LENNON. Well, was the passage of that resolution in the union equivalent to a strike vote?

Mr. SCOGGAN. Oh, no.

Commissioner LENNON. How did the union look upon that passage of that resolution? Was it equivalent to a strike vote on the 25th of November?

Mr. SCOGGAN. No, sir; not to my knowledge; not to my way of understanding it. As it was stated here this morning, if they were to vote on a strike it would be voted by three-fourths majority, and this was simply passed like a motion and carried by a majority.

Commissioner LENNON. Well, was there any other unfinished business on the books of the organization which would bring the question of the strike vote up at a later date, say a week after the 25th, or two weeks—within a short time after the 25th?

Mr. SCOGGAN. I don't understand the question.

Commissioner LENNON. Well, was there pending any action by the union; that is, if the resolution was not complied with that the strike vote would be taken?

Mr. SCOGGAN. I don't remember of anything being talked of a strike vote. I want to say that in regard to that, that all of this publication and the agitation, and this man Tracy spoken of here this morning, brought in as organizer, were the efforts to get the men that were working for the company, not belonging to the union, into the union. And that was the intention of the publication, and all that they done was successful in getting members into the union. They were trying to make it unanimous, as it was said here this morning the reasons why—I was on the committee myself that went down to talk with the superintendent of the company—the reasons why they wanted them to belong to the union. It simply was because their receipts were falling below their expenses, and that was on account of so many working for the company that did not belong, and so many of them that did belong to the union was growing old, like some of us, and we had more sickness, and the expense was higher than it ought to be, and the younger members not belonging, something had to be done. The reason I speak of that is because I was on the committee myself that went down and conferred.

Commissioner LENNON. How many years had you maintained this benefit society?

Mr. SCOGGAN. Well, I have been in Lead for 20 years and over, and it was in existence when I came here, but they changed their rates, different at different times. When I came here they was paying, I believe it was $6 a week; they finally raised it to $1 a day, and finally raised it to $10 a week. That was the best they ever paid for a sick benefit, and $75 funeral benefit in case of death—that is natural.

Commissioner LENNON. How much did each member pay to maintain that benefit?

Mr. SCOGGAN. $1 a month.

Commissioner LENNON. Now, tell me, how was the money raised to erect this building down here?

Mr. SCOGGAN. Well, it was raised by an assessment—not an assessment, by a voluntary giving of $5 a month out of their pay, those in the employ of the company. That was taken out of each one, the pay of each one working for the company that belonged to the union. If a man didn't belong to the

union, why he could go and take his voucher and go down and get his money. They could not take their pay.

Commissioner LENNON. In that way the members then contributed the money to erect the building?

Mr. SCOGGAN. Yes; that was done.

Commissioner LENNON. Did they have it clear of indebtedness?

Mr. SCOGGAN. Oh, certainly. That was done, this $5 proposition was paid in until they had the amount of $50, and then you were issued a bond drawing 8 per cent interest.

Commissioner LENNON. That is, each individual when he had invested $50, then he got a bond?

Mr. SCOGGAN. If he had the amount of $50 in vouchers he was given a bond drawing 8 per cent interest. The bonds ran until they passed maturity, and was finally paid up.

Commissioner LENNON. I don't know that it is pertinent to any investigation here, but in wandering by that building, walking up and down the street, we can't understand as strangers here why that building stands there empty. What's the matter? It looks like a good building, and it has a good location. Is it because of litigation, or what is the reason?

Mr. SCOGGAN. Well, if I could express it in my way I would say it is on account of a family row. Neither one of the factions wants to move in.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. You are excused. Is there anything further that you care to add?

Mr. SCOGGAN. Oh, I think nothing that I have a great desire to testify to, only that I want to say as I have taken quite an active part in this, as most all know, the reasons why I have taken an active part in it, and the objections I have to the part the company took in it, is simply that it is published in the paper every day, the Lead City Call, the card that goes with the other that you read to-day and that was offered here as an exhibit, and that was the stand that the unions took. The statement was made here this morning that the other organization supported the miners, not because it was a miners' fight or anything of that kind, but because this card attacked all unions regardless of miners' federation or any other federation. The card simply said you could not belong to any union. Of course that affected all of us. That is the part that I want to testify, as this is an investigation, that any union man that believed in the principle of unionism and knows what it is, he knows what unionism means—which I think I do, and I do not know whether I do or not, but I think so—under that condition he could not work under the card if he believed in the principles of unionism and wanted to live up to them. I think the card is simply an encouragement—or for deception and a discouragement to the truth. At the time it was adopted everything was union here comparatively, we were working under what is called union conditions, and of course that card simply meant that they all had to go out of business, and that is why it stands empty. At that time the building was used, but with no unions allowed to exist under the card system, which they could not; the building is out of use and no use for it.

Commissioner O'CONNELL. You mean by the card system the union card?

Mr. SCOGGAN. I mean the card system that is published in the paper that is supposed to be the official paper of the company; that is, all of these notices that we got here this morning as exhibits; in them is the card which has been spoken of here this morning.

Commissioner O'CONNELL. That means that a union man won't be employed?

Mr. SCOGGAN. Yes; that is what I am referring to; that is the difference between the Homestake Co. and the unions. That is the difference.

Commissioner O'CONNELL. That seems to be quite a broad difference.

Mr. SCOGGAN. That is the difference that the lockout went out on. That is what the unions went out on.

Commissioner O'CONNELL. That is sort of the immovable up against the irresistible.

Mr. SCOGGAN. Well——

Acting Chairman COMMONS. That is all the questions we have. We will excuse you.

Mr. SCOGGAN. Yes.

Acting Chairman COMMONS. The commission will now stand adjourned until 9 o'clock to-morrow morning.

(And now, at 9 o'clock p. m., of this, Monday, August 3, 1914, an adjournment was taken until 9 o'clock a. m., Tuesday, August 4, 1914.)

LEAD, S. DAK., *August 4, 1914—9 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, Lennon, and O'Connell.

Acting Chairman COMMONS. The commission will come to order. Is Mr. Howard present?

TESTIMONY OF MR. H. L. HOWARD.

Acting Chairman COMMONS. Give us your name, please.

Mr. HOWARD. H. L. Howard, Lead, S. Dak.

Acting Chairman COMMONS. You are the mayor?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Will you describe briefly the form of government of the city—what are the governing officials?

Mr. HOWARD. We have a board of three commissioners.

Acting Chairman COMMONS. A mayor and two commissioners?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Are they elected at the same election?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. The three elected at the same time?

Mr. HOWARD. No, sir; their terms are for five years, but they are elected at different times—that is, three were elected at the first election for different lengths of time, but it is for a term, and the following election is for five years.

Acting Chairman COMMONS. When was this system started?

Mr. HOWARD. It was in May, 1912.

Acting Chairman COMMONS. And when was the first election?

Mr. HOWARD. In May, 1912.

Acting Chairman COMMONS. The present commissioners were elected at that time?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Who are the commissioners?

Mr. HOWARD. Myself, as the mayor; J. W. Curran; and W. J. Fogelsong.

Acting Chairman COMMONS. Foltz?

Mr. HOWARD. Fogelsong.

Acting Chairman COMMONS. The commissioners are the governing body?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Do they appoint all subordinates?

Mr. HOWARD. They do.

Acting Chairman COMMONS. What are the divisions of the city government into departments?

Mr. HOWARD. A mayor, finance commissioner, the commissioner of public property, police, and fire; the commissioner of waterworks and sewers.

Acting Chairman COMMONS. Is this divided among the three commissioners?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Which do you have?

Mr. HOWARD. I am the mayor.

Acting Chairman COMMONS. Do you have charge of any other department?

Mr. HOWARD. I have charge of the finance department and general supervision over the other two departments.

Acting Chairman COMMONS. Who has charge of the public property?

Mr. HOWARD. The public buildings are under my control, but public property other than that is under the control of Mr. Fogelsong.

Acting Chairman COMMONS. The school property.

Mr. HOWARD. That is under the board of education.

Acting Chairman COMMONS. How is that board selected?

Mr. HOWARD. They are elected by the people.

Acting Chairman COMMONS. In the same way?

Mr. HOWARD. In the same way.

Acting Chairman COMMONS. At large?

Mr. HOWARD. They are elected at large, five members of the board.

Acting Chairman COMMONS. Who makes the appropriations for school purposes?

Mr. HOWARD. That is made by the board of commissioners, but the school board meets and figures what their appropriation should be, and reports it to the board of commissioners, and the board of commissioners, of course, accepts their figures absolutely.

Acting Chairman COMMONS. So that it starts with the board of education, and the commissioners accept their figure, is that the idea?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Is there a tax limit for educational purposes?

Mr. HOWARD. There is.

Acting Chairman COMMONS. Fixed by the State law?

Mr. HOWARD. Fixed by the State law.

Acting Chairman COMMONS. Who has charge of the waterworks and sewage?

Mr. HOWARD. Mr. Curran—J. W. Curran.

Acting Chairman COMMONS. Who has charge of the police?

Mr. HOWARD. The law reads in this way, that the commissioner of public property, police, and fire is charged with the enforcement of the police and fire regulations. The enforcement of the law is entirely with the mayor; consequently he has considerable to do with the police department.

Acting Chairman COMMONS. He practically controls the police department?

Mr. HOWARD. I don't give any attention to the details of the police department, but in other ways your statement would be correct.

Acting Chairman COMMONS. Can you state the total tax levy of the town?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. What is it?

Mr. HOWARD. The levy for 1913 was 7 mills; for 1914 it will be 5½ mills.

Acting Chairman COMMONS. Take 1913, the taxes have been paid for that?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. What was the total revenue from taxes?

Mr. HOWARD. The assessed valuation of the city in 1913 was $8,846,854; that produced practically $61,000. We had other sources of revenue, however.

Acting Chairman COMMONS. What are the other sources?

Mr. HOWARD. You want the entire revenue of the city?

Acting Chairman COMMONS. Take the entire revenue.

Mr. HOWARD. The appropriations for the year 1913—our fiscal year begins September 1—for the fiscal year September 1, 1913, to August 31, 1914, the total appropriation was $91,878.21.

Acting Chairman COMMONS. Does that include schools?

Mr. HOWARD. No, sir; that is city.

Acting Chairman COMMONS. Add the school appropriation?

Mr. HOWARD. City alone.

Acting Chairman COMMONS. Add the school appropriation.

Mr. HOWARD. I would have to get that for you.

Acting Chairman COMMONS. Approximately.

Mr. HOWARD. Well, I could not give you that without looking at their revenue statement, because they have the—the limits of the city and the limits of the school district are not identical, and then the school district has other sources of income from the State, which makes it quite an extensive proposition.

Acting Chairman COMMONS. What is the school levy?

Mr. HOWARD. Four mills.

Acting Chairman COMMONS. Well, then, that would make it about four-sevenths of what the other is?

Mr. HOWARD. No; the valuation of the independent school district is much larger than the valuation of the city because the limits are much greater. It covers a great deal more territory than the city.

Acting Chairman COMMONS. Well, so far as the property within the city is concerned, it pays 4 mills.

Mr. HOWARD. It pays 4 mills.

Acting Chairman COMMONS. So that on the city property the schools would pay four-sevenths for education of what they do for general purposes?

Mr. HOWARD. The total levy that the property in this city paid last year was 17 mills; the State tax is 1 mill, county tax is 4 mills, city, road, and bridge tax 1 mill, school tax 4; total, 17 mills.

Acting Chairman COMMONS. Seven mills brings $91,000, does it?

Mr. HOWARD. No; 7 mills would bring practically $61,000.

Acting Chairman COMMONS. Seven mills brought $61,000; 1 mill would bring about $9,000; 17 mills would bring about $153,000 from the levy on the property of the town?

Mr. HOWARD. That is, you want just city and school purposes alone?

Acting Chairman COMMONS. I want all of the tax levy that is imposed on the town.

Mr. HOWARD. Well, you will have to take 17 mills then, and take the valuation which I gave you of eight millions, and multiply that by 17 and you will get the total amount of taxes paid by the city of Lead.

Acting Chairman COMMONS. That brings it out about one hundred and thirty-six million for the town?

Mr. HOWARD. One hundred and thirty-six thousand.

Acting Chairman COMMONS. One hundred and thirty-six thousand; yes.

Now, is that collected by one assessor or by the county treasurer?

Mr. HOWARD. That is collected by the county treasurer in this State.

Acting Chairman COMMONS. Can you state the total amount of taxes paid by the Homestake Co. in the town?

Mr. HOWARD. I don't think I could. It is approximately, I think, 53 per cent.

Acting Chairman COMMONS. Of the total taxes?

Mr. HOWARD. Yes.

Acting Chairman COMMONS. That is, of this one hundred and thirty-six thousand they pay 53 per cent?

Mr. HOWARD. Yes, sir; that is my recollection.

Acting Chairman COMMONS. Over half of it, half of the taxes. What other sources of revenue are there besides taxes?

Mr. HOWARD. Well, I will read you my revenue statement.

Acting Chairman COMMONS. Will you kindly have it handed in as an exhibit?

(The paper so presented was marked "Howard Exhibit No. 1."

The statement referred to "Financial Statement, City of Lead, S. Dak., March 1, 1914," was submitted in printed form.)

Mr. HOWARD. We had miscellaneous receipts, $3,018.36; from sundry licenses, $1,073.35; liquor licenses, $14,000; municipal court, $5,051.20; sale of city hall bonds, $10,093.33; internal improvement bonds, $2,019; park receipts, $813.

That was for the year March 1, 1913, to February 28, 1914, when this statement was made up.

Acting Chairman COMMONS. The waterworks here, do you have a separate company, or is that the Homestake Co.?

Mr. HOWARD. That is controlled by the Homestake Mining Co.

Acting Chairman COMMONS. Do they have a franchise in the city?

Mr. HOWARD. They have an agreement with the city to furnish water here; yes, sir.

Acting Chairman COMMONS. What is the nature of that agreement?

Mr. HOWARD. It was entered into at a very early date here, and there is no franchise granted by the city for the purpose. These pipes and reservoirs were made here before the city had any practical existence; the town was only organized in 1890.

Acting Chairman COMMONS. Do the commissioners have authority to regulate waterworks?

Mr. HOWARD. They have under a State law, I believe.

Acting Chairman COMMONS. Have they exercised that authority?

Mr. HOWARD. No, sir. We never had enough money to put in a water plant; it is a very big proposition.

Acting Chairman COMMONS. I do not mean a municipal proposition, but to regulate the charges, the rates charged by the private company?

Mr. HOWARD. No; we have no such authority by the State.

Acting Chairman COMMONS. You have no such authority?

Mr. HOWARD. No; our powers here in this State, as far as the municipality is concerned, are all prescribed by the State laws.

Acting Chairman COMMONS. How large is your police force?

Mr. HOWARD. We have four men, four regular men.

Acting Chairman COMMONS. What salaries are paid?

Mr. HOWARD. We pay the chief of police $115 a month; we pay a night captain $100, and two patrolmen $90 a month each.

Acting Chairman COMMONS. How many men in the fire department?

Mr. HOWARD. We have 21.

Acting Chairman COMMONS. What are the salaries of the commissioners?

Mr. HOWARD. The commissioners?

Acting Chairman COMMONS. Yes.

Mr. HOWARD. My salary is $1,800 a year, and the commissioners $1,000 each.

Acting Chairman COMMONS. You are not required to give your entire time to the city work—that is, to give up private business—are you?

Mr. HOWARD. Well, the success of the commission form of government depends solely on the amount of time each man gives to it. It is a government by specialists, and if the man does not give his entire time to it the commission form of government can never be a success.

Acting Chairman COMMONS. Do you carry on a private business?
Mr. HOWARD. No, sir; I give my entire time.
Acting Chairman COMMONS. You give your entire time?
Mr. HOWARD. And part of my wife's.
Acting Chairman COMMONS. Mr. Curran, does he give his entire time?
Mr. HOWARD. He does not.
Acting Chairman COMMONS. He carries on a private business, does he?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. Mr. Fogelsong, does he give his entire time?
Mr. HOWARD. No, sir; not his entire time.
Acting Chairman COMMONS. So that it is expected the mayor should give his entire time?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. And all the others should give part of their time?
Mr. HOWARD. Devote only a portion of the time.
Acting Chairman COMMONS. How are the elections conducted? Is there a party ticket or is there a nomination by petition?
Mr. HOWARD. Nomination by petition. There is no party designation; nothing at all on the ballot except the names of the men and the office for which they are candidates.
Acting Chairman COMMONS. At the last election—the first election, rather—how many candidates were put up for mayor and commissioners?
Mr. HOWARD. There were two candidates for mayor and I think there were five candidates for the two commissionerships.
Acting Chairman COMMONS. And those that stood at the head of the ticket were elected?
Mr. HOWARD. They must obtain the majority, and the two that obtain a majority are elected.
Acting Chairman COMMONS. What was the vote cast for mayor?
Mr. HOWARD. It was between 1,700 and 1,800, I believe.
Acting Chairman COMMONS. What is the total registration?
Mr. HOWARD. About 2,200 or 2,400, I think.
Acting Chairman COMMONS. What did each candidate receive?
Mr. HOWARD. For mayor I can only give it to you approximately; I don't remember.
Acting Chairman COMMONS. Well, that is all right.
Mr. HOWARD. I think I received about 1,200 votes; my opponent, the balance.
Acting Chairman COMMONS. Are campaign expenses limited in this State by law?
Mr. HOWARD. We have got a corrupt-practices act, I believe, now that is pretty severe. You have to publish the amount of your expenses.
Acting Chairman COMMONS. What were your expenses?
Mr. HOWARD. I don't remember now what they were.
Acting Chairman COMMONS. Did you publish them?
Mr. HOWARD. They were not required to be published at that time. This law was not then in effect; if I had published them, I would probably remember it. However, they were not extraordinarily heavy.
Acting Chairman COMMONS. How do you conduct your campaign—on the streets?
Mr. HOWARD. Principally through the newspapers.
Acting Chairman COMMONS. Through the newspapers. Are there civil-service examinations for subordinate positions?
Mr. HOWARD. No, sir.
Acting Chairman COMMONS. They are appointed by the——
Mr. HOWARD. Commissioners.
Acting Chairman COMMONS. By the commissioners?
Mr. HOWARD. Yes, sir.
Acting Chairman COMMONS. What is the business in which Mr. Curran is engaged?
Mr. HOWARD. Mr. Curran is in the real estate business, and I guess he would be classed as a capitalist. He is a man of some means.
Acting Chairman COMMONS. And the business that Mr. Fogelsong is in?
Mr. HOWARD. He is in the retail coal business.
Acting Chairman COMMONS. How long have you been a resident of this city?
Mr. HOWARD. Twenty-two years.

Acting Chairman COMMONS. How long has Mr. Curran been a resident of this city?

Mr. HOWARD. I think perhaps nearly 30 years.

Acting Chairman COMMONS. And Mr. Fogelsong?

Mr. HOWARD. I believe, perhaps, as long as Mr. Curran.

Acting Chairman COMMONS. They have been in this business during the time that they have been here?

Mr. HOWARD. Well, I couldn't say as to that, that they have been in their present business—they have been in their present business for quite a long time.

Acting Chairman COMMONS. What are the principal causes of arrest by the police? Have you the police record of arrests between those dates?

Mr. HOWARD. Yes, sir. The small breaches of the peace, as a rule. I think I can give you the number. The court here—that is, during the year this statement covers—288 criminal cases under city ordinances, 81 State criminal cases, and 102 civil cases, making a total of 471 cases, criminal and civil, handled by the court during that year.

Acting Chairman COMMONS. State the intemperance and disorderly conduct cases; how do they run, drunkenness, etc.?

Mr. HOWARD. The city is remarkably free.

Acting Chairman COMMONS. Have you that separate in your report?

Mr. HOWARD. No.

Acting Chairman COMMONS. They are not separated; they come under those criminal cases?

Mr. HOWARD. Yes; they come under the criminal cases.

Acting Chairman COMMONS. Has there been any improvement in the arrests for disorderly conduct?

Mr. HOWARD. There has been a very marked improvement.

Acting Chairman COMMONS. Could you verify that by some figures?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Well, in what ways, state.

Mr. HOWARD. The records of the court would show that.

Acting Chairman COMMONS. You don't have them in mind; about what they were?

Mr. HOWARD. I can give you one instance which might show. When I was first elected mayor we had 17 policemen; now we have 4, and you gentlemen can draw your own conclusions.

Acting Chairman COMMONS. The reduction in number, then, is owing to the falling off in the number of arrests required?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. The 17 were busy, were they?

Mr. HOWARD. They were needed.

Acting Chairman COMMONS. Would you say that that would be a fair indication of the reduction in disorderly conduct and intemperance, from 17 policemen down to 4? Would that probably indicate what you say would be the improved moral condition of the town as the result of these three years?

Mr. HOWARD. Yes, sir; that would be, I would think, good grounds for taking that view of the matter.

Acting Chairman COMMONS. What has been your policy regarding saloons?

Mr. HOWARD. I have a State-wide reputation as a man handler of saloons.

Acting Chairman COMMONS. That means making them live up to the law?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Will you state the law? What is the law regarding saloons?

Mr. HOWARD. The law requires a saloon to be located in a building not connected with—in a room not connected with any other room in the building, and to be open at all times to public inspection by having the windows and doors unobstructed. Prescribe the hours in which they may sell; prohibits them from selling to drunkards who are known as such or to persons after they have been notified not to do so by certain parties, and we absolutely prohibit all gambling.

Acting Chairman COMMONS. In case there are violations after notice, do the commissioners have power to revoke the license?

Mr. HOWARD. I think they could, but they would be governed by rules of law.

Acting Chairman COMMONS. Have you closed any saloons during this period since 1912?

Mr. HOWARD. The State legislature passed a law limiting the number of saloons to one to 600 of population, and that automatically cut the number of saloons from 18 to 14.

Acting Chairman COMMONS. When did that law go into effect?

Mr. HOWARD. I think it was two years ago.

Acting Chairman COMMONS. While you were mayor?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. Who decides—the commissioners were the ones that decided?

Mr. HOWARD. They were the ones that decided.

Acting Chairman COMMONS. There were four that the commissioners decided should be discontinued?

Mr. HOWARD. There were three. Only three out of the four applied, and those three were dropped; but I believe that we made a requirement which was in the law, that these men should deposit the amount of their license fee before we would consider their application, and I think that there were only 15 who produced the money. We considered those 15 and granted 14 of them.

Acting Chairman COMMONS. What is the fee—license fee?

Mr. HOWARD. One thousand dollars a year.

Acting Chairman COMMONS. When you were elected mayor, what was the closing hour?

Mr. HOWARD. Eleven o'clock.

Acting Chairman COMMONS. Can the commissioners change the hour?

Mr. HOWARD. No, sir.

Acting Chairman COMMONS. What is the closing hour now?

Mr. HOWARD. Nine o'clock.

Acting Chairman COMMONS. Is that a State law?

Mr. HOWARD. Yes, sir.

Acting Chairman COMMONS. When was that put in force?

Mr. HOWARD. I think that was about three years ago.

Acting Chairman COMMONS. Have you revoked any licenses?

Mr. HOWARD. No, sir.

Acting Chairman COMMONS. On the ground of violation of the law?

Mr. HOWARD. No, sir; I have had no trouble to enforce the law.

Acting Chairman COMMONS. How?

Mr. HOWARD. I have had no trouble to enforce the law.

Acting Chairman COMMONS. Well, I think that will be sufficient. Much obliged to you.

Mr. HOWARD. Much obliged to you.

Acting Chairman COMMONS. Mr. Northam.

TESTIMONY OF MR. G. A. NORTHAM.

Acting Chairman COMMONS. Give your name and address.

Mr. NORTHAM. G. A. Northam; Lead, S. Dak.

Acting Chairman COMMONS. What is your position, Mr. Northam, with the Homestake Co.?

Mr. NORTHAM. I am known as the special agent of the Homestake Mining Co.

Acting Chairman COMMONS. What are your duties?

Mr. NORTHAM. Well, I look after all their properties and works. If I see anything going wrong, I make the report to Mr. Grier.

Acting Chairman COMMONS. And how much of a force have you under your direction?

Mr. NORTHAM. At present, or during the month of July, I had 19 men. That is the smallest amount that I had.

Acting Chairman COMMONS. And what is the largest number that you had?

Mr. NORTHAM. Well, I have had away up into a hundred.

Acting Chairman COMMONS. At what time?

Mr. NORTHAM. During the lockout.

Acting Chairman COMMONS. Where do you distribute these 19 men?

Mr. NORTHAM. They are distributed, the most of them, around the works, our most valuable business.

Acting Chairman COMMONS. What salaries are paid these men?

Mr. NORTHAM. The majority of them are paid $3 for eight hours' work.

Acting Chairman COMMONS. Do you operate in three shifts with them?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. How is that? You have 19 men, each of them at 8 hours, but you have 24 hours of watching and guarding.

Mr. NORTHAM. I watch during the darkest part of the night. My men now go on at 9 o'clock and work eight hours.

Acting Chairman COMMONS. How many of them are night watchmen?

Mr. NORTHAM. They are all night watchmen except four, I think.

Acting Chairman COMMONS. And what are the four—what are their duties?

Mr. NORTHAM. Special; looking after business in my line.

Acting Chairman COMMONS. You detail them for any work that comes?

Mr. NORTHAM. Yes, sir; day and night.

Acting Chairman COMMONS. How long have you been in this position, Mr. Northam?

Mr. NORTHAM. I have been in the employ of the Homestake Mining Co. in this capacity for 22 years—about 22 years.

Acting Chairman COMMONS. And the chief of this service?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Of this department?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Are you sworn in as a State officer?

Mr. NORTHAM. I am deputy sheriff.

Acting Chairman COMMONS. You are a deputy sheriff?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. How long have you been deputy sheriff?

Mr. NORTHAM. I have either been deputy sheriff or a constable for all of that time.

Acting Chairman COMMONS. And you have been on the pay roll of the company during the same time?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Do you have pay as deputy sheriff from the county?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. How many of your men under your direction have similar authority as deputy sheriffs?

Mr. NORTHAM. All of them.

Acting Chairman COMMONS. They are all deputy sheriffs?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. What authority does that give you in addition to what you would have were you simply the special agent of the Homestake Co.?

Mr. NORTHAM. Well, if my men were going to and from their work on the Homestake grounds, they would have to pass through the city; and if they were carrying firearms, which they have a right to carry when they are deputy sheriffs, an officer could arrest them for carrying concealed weapons in the city limits; but when they pass onto our grounds—I speak of our grounds; I mean the Homestake grounds.

Acting Chairman COMMONS. What additional advantage does it give?

Mr. NORTHAM. In case that anyone molests property by trespassing, they have a right to arrest them.

Acting Chairman COMMONS. Without warrant?

Mr. NORTHAM. Yes, sir; if they catch them in the act.

Acting Chairman COMMONS. In case they make an arrest, what is the disposition of the case, what is the procedure?

Mr. NORTHAM. I am notified, and they turn them over to me, and I in turn turn them over to the sheriff of the county and make the complaint against them, whatever the nature of the case may be.

Acting Chairman COMMONS. And the trial comes up in what court?

Mr. NORTHAM. Well, if they were arrested in Deadwood, as I have a watchman down there, the proposition is that I would have them taken before the court in Deadwood. If it was up here, they would be taken before the municipal court here.

Acting Chairman COMMONS. That is the city. What is the status of that court, is it practically a justice court?

Mr. NORTHAM. Justice court.

Acting Chairman COMMONS. The lowest court. Who prosecutes the cases in such cases, you?

Mr. NORTHAM. The district attorney.

Acting Chairman COMMONS. The district attorney prosecutes them?

Mr. NORTHAM. Yes.

Acting Chairman COMMONS. And you furnish the evidence?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. What is your record of the number of arrests that you have made during the past two years?

Mr. NORTHAM. I haven't any record.

Acting Chairman COMMONS. How?

Mr. NORTHAM. I haven't any record of the number. I never kept a record of the number of arrests that were made.

Acting Chairman COMMONS. Well, could you just give us some sort of an estimate?

Mr. NORTHAM. Why, no; not definitely. I don't think I could.

Acting Chairman COMMONS. Well, would you arrest during the year a dozen men, do you think?

Mr. NORTHAM. During the years of 1910 and 1911 it would probably be that many and might exceed it.

Acting Chairman COMMONS. What year was that?

Mr. NORTHAM. 1910 and 1911.

Acting Chairman COMMONS. About 10 or 11 men. Did you make arrests during this lockout?

Mr. NORTHAM. Quite a number.

Acting Chairman COMMONS. Do you have in mind about how many were made?

Mr. NORTHAM. No; I could not say.

Acting Chairman COMMONS. How?

Mr. NORTHAM. I could not say.

Acting Chairman COMMONS. You had about a hundred men at that time?

Mr. NORTHAM. Yes, sir; under my control; yes.

Acting Chairman COMMONS. The only arrests that you make are on the basis of trespass on the property?

Mr. NORTHAM. That is all.

Acting Chairman COMMONS. Do you make arrests, supposing that one employee attacks another employee and one of your men—of your deputies—were a witness, you would have authority to arrest?

Mr. NORTHAM. We would have the authority to arrest; yes, sir.

Acting Chairman COMMONS. Do you make such arrests?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. How do you do in such cases?

Mr. NORTHAM. We report it.

Acting Chairman COMMONS. Report it?

Mr. NORTHAM. They report it to me, and I report it to the officers.

Acting Chairman COMMONS. You have besides these that are on salaries, do you have any other deputies or persons assisting you?

Mr. NORTHAM. They are included in these 19 men.

Acting Chairman COMMONS. Do you have charge of these men who are employees who are to make reports on the work that is done by men, say, underground, and that class of work which is not visible, with your deputies?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. You have no such report coming from the men underground?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. The policy of your company is to prohibit any man from belonging to a union. That is in their questions of application. What is your activity in discovering men who are secretly fomenting trouble or disturbers or members of unions, agitators of that class of people who might come to town and stir up trouble, find fault or try to organize a union?

Mr. NORTHAM. I report him to our employment agent, Mr. Irwin.

Acting Chairman COMMONS. You report to him?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Your four special agents are detailed to this class of work?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. The watchmen are not?

Mr. NORTHAM. Yes, sir; they are, too, if they find a man of the description that you are putting.

Acting Chairman COMMONS. What do you consider to be a disturber or agitator; is it necessarily a man who is trying to organize a union? What is the test of a disturber you will report under such circumstances?

Mr. NORTHAM. Any man that would come in here and try to reorganize the Western Federation, I would call him a disturber.

Acting Chairman COMMONS. Suppose one of the employees should be reported as having expressed some inclination to organize a union; then you would report him?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. All employees?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Could you say how many men you have reported on this ground during the past year?

Mr. NORTHAM. No, sir; I can't.

Acting Chairman COMMONS. Have you reported any?

Mr. NORTHAM. Yes, sir; a good many.

Acting Chairman COMMONS. A good many?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Could you say whether these men have been dismissed or not from the service?

Mr. NORTHAM. Some of them have.

Acting Chairman COMMONS. On the ground of what?

Mr. NORTHAM. Disturbers.

Acting Chairman COMMONS. Is this put on record in the employment office?

Mr. NORTHAM. I think it is.

Acting Chairman COMMONS. You are familiar with the employment office records?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. And you use that as a guide in following up these men?

Mr. NORTHAM. I don't use their record as a guide. I make the report to them as I find the men that are working for the company.

Acting Chairman COMMONS. I notice that the company also asks the men regarding the political parties that they belong to when they employ them. Do you report to the employment office regarding the politics of any employee?

Mr. NORTHAM. I took this up with every man that was working for me and found out their politics and handed in a report to Mr. Irwin.

Acting Chairman COMMONS. That is the men of your staff?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. And about the men that are working in the mines?

Mr. NORTHAM. I have nothing to do with that.

Acting Chairman COMMONS. You make no report whatever of the politics of the men working in the mines?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. If a man was a Socialist, would you report him?

Mr. NORTHAM. Well, if he was the kind of Socialist I have run up against I certainly would.

Acting Chairman COMMONS. Have you reported men as Socialists?

Mr. NORTHAM. Yes, sir; I have.

Acting Chairman COMMONS. About how many?

Mr. NORTHAM. I can't tell you.

Acting Chairman COMMONS. Well, suppose a man was reported as being a Progressive or Bull Moose, would you report him?

Mr. NORTHAM. I used to like the Bull Moose.

Acting Chairman COMMONS. Would you report him?

Mr. NORTHAM. No, sir; I would not.

Acting Chairman COMMONS. You would not?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. Why would you not report him?

Mr. NORTHAM. Because he is not an agitator.

Commissioner O'CONNELL. Would you call the chief Bull Moose an agitator?

Mr. NORTHAM. Sir?

Commissioner O'CONNELL. Would you call him an agitator?

Mr. NORTHAM. You didn't understand my answer. I said because he was not an agitator.

Acting Chairman COMMONS. One of the principles of the Bull Moose Party is to do away with all Sunday work. A man agitating doing away with Sunday work would be a disturber to that extent. Would you report a man who agitated in favor of doing away with Sunday work?

Mr. NORTHAM. No, sir; I would not.

Acting Chairman COMMONS. Then your principle of distinction is purely a question as to whether the man is an agitator in the sense that he would be likely to induce the men to organize?

Mr. NORTHAM. That is it.

Acting Chairman COMMONS. It all centers on that one proposition, and the only political side to it comes where the political party was in favor of organizing a union and would be an agitator to that extent. In case any of these men were reported to you, do you deal with the man himself who has been reported as an agitator?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. You simply report him to Mr. Irwin?

Mr. NORTHAM. After he is reported to me I investigate him. If I find the report was correct, then I turn my report in to Mr. Irwin.

Acting Chairman COMMONS. To Mr. Irwin?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Then it is Mr. Irwin's business to take it up with the man himself?

Mr. NORTHAM. Yes, sir; or see that that man does not go to work if he hasn't already gone to work.

Acting Chairman COMMONS. So that as far as the accuracy of the reports are concerned, it is up to you to make the investigation?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. And find whether the report is accurate?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Mr. Irwin does not investigate those questions?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. You report these cases to Mr. Grier?

Mr. NORTHAM. Yes, sir.

Acting Chairman COMMONS. Also as well as Mr. Irwin?

Mr. NORTHAM. Yes, sir; when Mr. Grier is here.

Acting Chairman COMMONS. So that you would say with your force you have a pretty accurate knowledge of the entire working force of the company on these points?

Mr. NORTHAM. Yes, sir; I think I have.

Acting Chairman COMMONS. I believe that is all.

Mr. NORTHAM. I want to state I have——

Acting Chairman COMMONS. Have you any statement you would like to make?

Mr. NORTHAM. There is a statement I have to make each month and turn it in to the time office, the number of men working for me and their nationality, and here is a copy of it if you wish.

(The paper so presented was marked "Exhibit No. 1, Witness Northam, August 4, 1914."

The paper referred to is printed under "Exhibits.")

Mr. NORTHAM. And if you want to know where these men work——

Acting Chairman COMMONS. Yes, sir.

Mr. NORTHAM. I have a list here of their places that these men work.

Acting Chairman COMMONS. You may submit that also.

(The paper so presented was marked "Exhibit No. 2, Witness Northam, August 4, 1914."

The paper referred to is printed under "Exhibits.")

Acting Chairman COMMONS. Will you take that last statement you handed in? Where do these men work?

Mr. NORTHAM. You want me to read the list?

Acting Chairman COMMONS. Just state what are the places.

Mr. NORTHAM. Reservoir; Ellison hoist; B. & M. hoist; Golden Star hoist; Golden Prospect hoist; Pocahontas and Monroe mill yards; tunnel; cyanide No. 1; cyanide No. 2; slimes; house, call office, and barn; specials; Hidden Fortune hoist; Hidden Fortune mill; Morning Glory coal chute; night captain.

Commissioner LENNON. Do any of these men perform regular labor in the places where they are?

Mr. NORTHAM. No, sir.

Commissioner LENNON. They are just doing the work you have them to do?

Mr. NORTHAM. Yes, sir.

Commissioner O'CONNELL. Do you or any of your force report the morals of the workmen in any way as to whether they are practicing intemperance or visiting in saloons?

Mr. NORTHAM. Yes, sir.

Commissioner O'CONNELL. If you find a man that is a frequent visitor of saloons, you report that he is doing so?

Mr. NORTHAM. Well, no, sir; not unless he is drinking so as to incapacitate himself.

Commissioner O'CONNELL. If you found him under the influence of liquor once?

Mr. NORTHAM. No, sir; once I wouldn't report him.

Commissioner O'CONNELL. Twice?

Mr. NORTHAM. I can't say I would.

Commissioner O'CONNELL. How often would you have to find him under the influence of liquor before you would report him?

Mr. NORTHAM. Well, if he was constantly hanging around the saloons in a condition not to be able to go to work with safety to himself and the people that he was working with, I should report him.

Commissioner O'CONNELL. Do you report on the home social relations of the family?

Mr. NORTHAM. No, sir.

Commissioner O'CONNELL. That you may find?

Mr. NORTHAM. No, sir.

Commissioner O'CONNELL. Are the homes of the families watched in any way by you or by your force?

Mr. NORTHAM. No, sir.

Commissioner O'CONNELL. You keep no record of them in any manner?

Mr. NORTHAM. No, sir.

Commissioner O'CONNELL. Except in the matter of intemperance?

Mr. NORTHAM. That is all.

Commissioner O'CONNELL. In no other way are the morals looked after at all by you or by your force?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. Just one other question.

I have been around town visiting quite a number of people, trying to get impressions. Do you know the people I have visited?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. You have had no report?

Mr. NORTHAM. No, sir.

Acting Chairman COMMONS. That will do, I am much obliged to you.

TESTIMONY OF MR. CHAMBERS KELLER.

Acting Chairman COMMONS. Will you state your name and residence?

Mr. KELLER. Chambers Keller; residence, Lead, S. Dak.

Acting Chairman COMMONS. It is quite generally reported to me that you are active in the political activities of the company. Will you describe your activities in the campaign of the primary and election of 1912?

Mr. KELLER. 1912?

Acting Chairman COMMONS. You are attorney of the company, I believe?

Mr. KELLER. Yes, sir.

Acting Chairman COMMONS. How long have you been that?

Mr. KELLER. I have been attorney since April 1, 1904. Prior to that time I was a partner with Judge Moody, of Deadwood, who was the attorney of the company.

Acting Chairman COMMONS. I would like to have you tell about your activities.

Mr. KELLER. I always have taken a pretty active interest in the politics of the country. I don't know that I was any more active in 1912 than I am every presidential election or every county election or every city election. In 1912 I did what I could to elect President Wilson as President of the United States. I also did what I could to elect Mr. Johnson as governor of South Dakota; he was the Democratic candidate. We were not fortunate enough to succeed in the latter, though we contributed much to the election of the former. In looking after political matters in which I am interested either personally or politically, I presume I do what every man does, try to enlist the cooperation and sympathy of his friends.

Acting Chairman COMMONS. Are you on any political committee?

Mr. KELLER. No, sir.

Acting Chairman COMMONS. Simply acting as a citizen?

Mr. KELLER. That is all. In 1912, it seems to me, if I am not mistaken, that Mr. Stanley was the county chairman; I am not certain; I know he was one year, and I believe that was the year. Mr. Stanley is my partner. It is possible that was the year he was chairman of one of the political committees, but I am not certain. I have never been chairman of any of the large county committees. I usually attend the conventions and I always take an interest and an active interest in political matters.

Acting Chairman COMMONS. What party do you affiliate with?

Mr. KELLER. Republican.

Acting Chairman COMMONS. But in the fall election——

Mr. KELLER. In 1912.I did what I could for Mr. Wilson.

Acting Chairman COMMONS. In the Republican primaries of that year, 1912, what did you do?

Mr. KELLER. Let me see, 1912—in the primaries of that year—my recollection is I wasn't very active in politics. The gubernatorial candidates, Mr. Egan, Gov. Byrne, and Mr. Richards, I don't think I took much interest—Judge Cull was one of the candidates—my recollection is I voted for Judge Cull, who only got a scattering vote in the State; he didn't run very strong. It was pretty evenly divided. My recollection is Mr. Egan carried Lead city. I am sure he did. Mr. Egan carried Lead city, and Gov. Byrne ran second, and Mr. Cull, Judge Cull, a poor third in Lead city.

Acting Chairman COMMONS. Which one is your candidate?

Mr. KELLER. Judge Cull.

Acting Chairman COMMONS. In the fall election how did Lead go?

Mr. KELLER. The fall election? The fall election of 1912, Lead went for Gov. Johnson; that is, the Democratic candidate for governor, as I recall it.

Acting Chairman COMMONS. At the presidential election?

Mr. KELLER. It went for President Wilson.

Acting Chairman COMMONS. Do you remember about the vote at that time?

Mr. KELLER. How close, you mean?

Acting Chairman COMMONS. Yes.

Mr. KELLER. Well, I don't, Mr. Chairman.

Acting Chairman COMMONS. Do you know about how many votes were cast at the presidential election?

Mr. KELLER. Well, I should say about 1,800.

Acting Chairman COMMONS. Do you remember what Johnson's number was?

Mr. KELLER. No, sir; I don't remember that.

Acting Chairman COMMONS. Were there three tickets here?

Mr. KELLER. There was the Republican and Democratic, there were only two major tickets, just those two at the fall election.

Acting Chairman COMMONS. How did you conduct your campaign in the fall as regards the employees of the Homestake Co.? Did you have any of them in your office instructing them how to vote, who to vote for, either the Wilson or Johnson ticket?

Mr. KELLER. Very likely. There is never a campaign that I am interested in that I do not do that. If I am interested in it I see the men that I am acquainted with and that I think will cooperate with me, and go over the matter with them.

Acting Chairman COMMONS. Did they come to your office?

Mr. KELLER. Well, they usually do. I presume they did that year.

Acting Chairman COMMONS. How did you get word to them?

Mr. KELLER. Well, in various ways. It depends on who they are. If it is—well, it may be men that I will meet on the street, or men that I can telephone to, get in touch by telephone easier than I can see them; it just depends on who they are.

Acting Chairman COMMONS. Are there certain individuals that you depend upon to get word to them?

Mr. KELLER. Well, no; I can't say that there is. It depends entirely on who they are, Mr. Chairman.

Acting Chairman COMMONS. Do you ask the shift bosses to notify you of the men under their direction to come to see you?

Mr. KELLER. No; I do not know that I have ever done that. Usually I will speak to a shift boss himself, and if I think he is favorably inclined to an individual or the ticket I desire to help I will talk to him about it; if I think he is not, why, I don't, naturally. The shift bosses of the Homestake Mining Co. have their own notions politically and have exercised them, and that is demonstrated here constantly. We do not have an election——

Acting Chairman COMMONS. About how many shift bosses are there?

Mr. KELLER. I should judge about 40. That is just a guess.

Acting Chairman COMMONS. About how many of them are you personally acquainted with?

Mr. KELLER. Oh, I suppose half of them.

Acting Chairman COMMONS. About 20?

Mr. KELLER. Yes, sir.

Acting Chairman COMMONS. And that 20 you would consider your friends?

Mr. KELLER. I should think so.

Acting Chairman COMMONS. So that you could depend upon about 20 of them to give these invitations to——

Mr. KELLER. Well, when I speak to a shift boss I do not expect him to simply speak to the men under him, not by any means; some of our shift bosses are some of our most influential citizens here. They have friends all over the town in different walks of life, and if they can assist politically and are supposed to do it I expect them to do just as any man would do, just as I would do, use their influence where they can. They do not confine it to the men under them, and they do not direct it to the men under them.

Acting Chairman COMMONS. Are all of the voters of this town of Lead able to read their ballots in English?

Mr. KELLER. No; I do not believe they all are. Probably a small percentage can not; but I think it is a small percentage.

Acting Chairman COMMONS. About 10 per cent, would you say?

Mr. KELLER. I should not think over that.

Acting Chairman COMMONS. Then say there are 1,800 votes; you would say about 200?

Mr. KELLER. Well, there would not be to exceed that at the outside, in my judgment. In that amount I believe there is usually a timidity or reticence developed on the part of the men who can not do that, to vote at all. It seems to be a feeling that they do not care to try it. I have noticed that.

Acting Chairman COMMONS. In this campaign did you talk with any of these that could not speak English?

Mr. KELLER. No, sir.

Acting Chairman COMMONS. And instruct them as to the method of voting?

Mr. KELLER. No, sir. It is bad enough to have to talk politics to a man who can understand you. I never tried to talk it to a person who could not, either with or without an interpreter.

And in that connection, Mr. Chairman, I wish to suggest, I don't think the chairman used the word in that sense, but the word "instruct" was used. And I disclaim ever at any time instructing any of the men in the sense of trying to tell the man how he should vote if he is not so inclined.

Acting Chairman COMMONS. Certainly; I didn't intend to use it.

Mr. KELLER. Yes; I thought you meant to explain.

Acting Chairman COMMONS. I misused the word. What is the method of voting here; do they have the Australian system?

Mr. KELLER. Yes, sir.

Acting Chairman COMMONS. Is it a machine vote?

Mr. KELLER. No, sir.

Acting Chairman COMMONS. Written?

Mr. KELLER. Written. Written method. We have a ballot and the names of the candidates are printed upon the ballot, and the method of voting is by placing a cross in front of the name you desire to vote for. We have the ordinary Australian regulations as to preserving the integrity of the polling place. And in the 18 years that I have lived in Deadwood and Lead I have never known of a row or trouble or difficulty at a polling place of any description whatever. I don't believe there is a more orderly set of elections held anywhere in the country than those held in this community in that period of time.

Acting Chairman COMMONS. That is, there never has been any investigation of ballot-box frauds or anything?

Mr. KELLER. No, sir; nor never a suggestion of any kind that ever I have heard of, except last fall—I think it was last fall—there were some statements in one of the eastern papers that the registration in Lead was entirely too large, that the vote wasn't here. But aside from that one time I have never known of any suggestion of its being made.

Acting Chairman COMMONS. In case a man can't read English, under the law he has an interpreter?

Mr. KELLER. He has a right to an interpreter to explain it.

Acting Chairman COMMONS. He can call for it?

Mr. KELLER. He can ask to have the ballot explained to him, and he can, under our system, request either one of the three judges to mark his ballot for him—the judge shall be permitted to go into the booth with him. But I have not known of that being done even once. It is in the law, but I have never known of its being exercised, that privilege.

Acting Chairman COMMONS. And is that the ground on which you base your idea that there is reluctance on the part of the non-English voter?

Mr. KELLER. I think that is the reason. I think that is one of the reasons.

Acting Chairman COMMONS. That is the main reason?

Mr. KELLER. We have had at times some very immature or inadequate voting. For instance, frequently quite a number of the ballots will be found with just one cross on them, and that cross will be before some inferior and insignificant office that does not amount to anything and that nobody is taking any interest in, but this voter has happened to have known the person and wanted to vote for him with that cross. Every election, even in the presidential elections, you will find any number of ballots that will be voted for just one little city official, nobody else.

Acting Chairman COMMONS. Would you name any other gentleman in the locality that are interested as you are in politics and that make an effort to secure voting according to their ideas?

Mr. KELLER. Well, it is pretty general. I think we are like every community.

Acting Chairman COMMONS. Who would be considered your principal man who believes with you and works with you on such lines of politics?

Mr. KELLER. Well, I should say that ordinarily I consider Mr. J. W. Curran and Mr. R. H. Driskol, cashier of the bank; P. A. Gushurst, the grocer man here; Mr. Royce, who is Mr. Irwin's assistant; Mr. Ernest May, who is also in the grocery business here and has represented this county in the State senate for a number of years; and Mr. Howard, the mayor.

Acting Chairman COMMONS. These gentlemen are generally Republicans?

Mr. KELLER. Yes; they are all Republicans, I think.

Acting Chairman COMMONS. Were they all for Wilson at this last election?

Mr. KELLER. Well, I don't know as to that. I don't really remember. I don't think Gushurst was. I think Gushurst was—I am quite sure Gushurst was not.

Acting Chairman COMMONS. In your position as attorney for the company, I suppose you would recognize, of course, that your wishes would go a very long way with employees. Is Mr. Grier acquainted with your political activities?

Mr. KELLER. Well, only in a very general way. I talk political matters with Mr. Grier, and I usually feel that I have Mr. Grier's sanction for whatever I do politically. He is very active—although not always, because frequently Mr. Grier is not here, and Mr. Grier does not take the interest in politics that I do by any means. We don't agree on some matters politically.

Acting Chairman COMMONS. Would you mind telling what you don't agree on?

Mr. KELLER. Well, Mr. Grier I have always thought was more inclined to—well, to favor what some people call socialistic and some progressive ideas than I am.

Acting Chairman COMMONS. You are a standpatter?

Mr. KELLER. I am a standpatter, so-called, although I do not consider myself a hidebound standpatter, by any means.

Acting Chairman COMMONS. Well, you can change, I can see that.

Mr. KELLER. I think I have changed. I consider that a great many of the most progressive pieces of legislation that have been enacted both Federally and in the State have been wise legislation, and I favor them. Some of them I don't know.

Acting Chairman COMMONS. When you changed from the Republican Party in 1912 to the Democratic Party in the election, did you discuss this matter with Mr. Grier?

Mr. KELLER. I think Mr. Grier was away at the time. [Addressing Mr. Grier:] Weren't you, Mr. Grier, in Canada?

Mr. GRIER. Yes.

Mr. KELLER. I think Mr. Grier was in Canada, sick.

Acting Chairman COMMONS. It was solely on your own conviction?

Mr. KELLER. Yes, sir; the Homestake Mining Co. had nothing to do with it.

Acting Chairman COMMONS. You think you could say definitely so far as the mining company represented by Mr. Grier is concerned, that he leaves that matter entirely to you on your own initiative to do as you please?

Mr. KELLER. Well, I would not want to assume too much authority in a matter of that kind. I should say that notwithstanding the awful and extraordinary suspicions and all that, I should say that the Homestake Mining Co. does not take a very great part in politics. I know we don't take as much part as a great many people would like to have us. There is not an election held, neither primary nor general, that the candidates, some of them, do not come and request us to take a part in and request me to, and I invariably decline to do it. It is not because we want to participate in those things.

Acting Chairman COMMONS. Mr. Garretson has a question.

Mr. KELLER. Yes, sir.

Commissioner GARRETSON. The chairman asked you in regard to these gentlemen that you named as your associates, going to the Democratic Party. He asked it in the national sense. Did any of those gentlemen join with you in the State, back the State Democratic nominee?

Mr. KELLER. Well, sir, I could not tell you, Mr. Commissioner, because I have simply talked to my friends, who are usually my political friends, too. But we don't always agree, by a good deal.

Commissioner GARRETSON. Did the announcement of the Republican candidate in regard to the appointment of a tax commission have any effect on anybody's change of political opinion in this territory?

Mr. KELLER. No, sir; I don't think so.

Commissioner GARRETSON. He did appoint the commission, didn't he?

Mr. KELLER. The national?

Mr. GARRETSON. No; your own Gov. Byrne of this State.

Mr. KELLER. Yes; he appointed the commission.

Commissioner GARRETSON. What did that commission do to valuations in this locality?

Mr. KELLER. They increased, the commission, as this commission well knows, they increased the assessed valuation of the Homestake about double.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. KELLER. And I may say that we supported Gov. Byrne in this last primary.

Acting Chairman COMMONS. Is there any other statement you care to make?

Mr. KELLER. Will the record take that?

Acting Chairman COMMONS. Is there any other statement you care to make?

Mr. KELLER. Well, yes; if the chairman pleases. At the close of the testimony of Mr. Kirwan yesterday, there was brought out by Mr. Commmissioner Garretson the fact that in one of the Deadwood papers there was pending a notice, or citation as Mr. Commissioner called it, and Mr. Kirwan was asked in regard to that. And upon leaving the stand, or just before leaving the stand, suggested he thought there was something back of the suit. Mr. Commissioner Garretson evidently in the casual reading of the notice did not discover the name of any——

Commissioner GARRETSON. Plaintiff.

Mr. KELLER (continuing). Plaintiff. And I have taken the trouble of looking that up, Mr. Commissioner. And I find in the notice that the plaintiff's name is stated, but up in the top part of the title, which probably obscured it when you read it.

Commissioner GARRETSON. Very likely; it was a Saturday Deadwood paper.

Mr. KELLER. Yes, sir. I find it here in the Daily Telegram of Saturday.

Commissioner GARRETSON. I am uncertain of the name of the paper.

Mr. KELLER. Well, I found it by calling up Mr. Hodson, who represents Mr. Kirwan in this litigation. I didn't know what it was.

Commissioner GARRETSON. What is the plaintiff's name?

Mr. KELLER. The plaintiff is the Lead City Miners' Union, plaintiff.

Commissioner GARRETSON. Well, that is——

Mr. KELLER. Versus Charles——

Commissioner GARRETSON. Well, that is Mr. Ryan, is it not?

Mr. KELLER. I presume it is. But I may say that Mr. Commissioner Garretson in conversation with Mr. Kirwan and myself after the adjournment stated that he thought that Mr. Kirwan had in mind Mr. Ryan, and Mr. Kirwan had in mind the Homestake Mining Co. But I thought they had that in mind, that the Homestake Mining Co. was back of this, and for that reason I took the trouble of looking this title up.

Acting Chairman COMMONS. You make that as a correction?

Mr. KELLER. I wish to make that as a correction. And I also desire to state, with the permission of the commission, that the Homestake Mining Co. has not and has never had either directly or indirectly or remotely any interest even, or anything to do with this litigation from its beginning to the present time. In fact, all I know of it is what Mr. Hodson told me last night over the telephone when I called him up.

Commissioner GARRETSON. You might just as well put the rest of this in the record:

Immediately following that the witness asked me in regard to it, and I stated to him then that my interpretation was that the witness, Mr. Kirwan, meant Mr. Ryan.

Mr. KELLER. Exactly.

Commissioner GARRETSON. Is that correct?

Mr. KELLER. Exactly.

Commissioner GARRETSON. And the witness further stated to me what he has just stated here, that the Homestake had no connection therewith. And I said to him then that if they had I had no doubt on earth they had a perfect alibi. Is that the exact language, Mr. Witness?

Mr. KELLER. Yes, sir; that is the exact language.

Commissioner GARRETSON. That I used?

Mr. KELLER. That you used. But I wish to make it so positive that I wish to remove any thought that we are trying to establish an alibi.

Acting Chairman COMMONS. Yes.

Mr. KELLER. I also wish to call attention to another matter, and that is the reference which was made to the pending—to the suit instituted by the Homestake Mining Co. against the Lead City Miners' Union, and to which reference was made under examination by Mr. Commissioner Garretson when Mr. Kirwan was upon the stand. Mr. Kirwan stated that in that suit the suit had been filed and that they had demanded or filed an answer or some sort of paper demanding that we set forth in detail the specific instances of coercion. I have examined my files in that case, and I find that the facts are these:

The plaintiff, Homestake Mining Co., brought suit against the miners' union for $10,000 damages, the suit being commenced in November, 1909; that in this complaint we alleged various acts; that is, we alleged intimidation and coercion, as has been suggested. The defendant filed a demurrer to this complaint, the demurrer being upon the technical legal grounds as follows: "First, that said complaint does not state facts sufficient to constitute a cause of action against defendant. Second, that said complaint does not state or show facts showing that the plaintiff is entitled to any relief against this defendant. Third, that said complaint shows on its face that plaintiff has no cause of action against defendant. Fourth, that said complaint shows on its face that this court has no jurisdiction in the alleged cause of action. Signed, Robert C. Royce, Richardson, and Hawkins, attorneys for plaintiff."

The demurrer, under the practice in the Federal court on common law actions in this State, confesses the truth of the statements in the complaint but raises the sufficiency of the complaint as a matter of law. And I wish to state further that there is not or never was filed—neither filed nor served any answer, any demand, or notice of any kind or description whatever asking, demanding, or requesting the plaintiff to set forth the several and particular instances of coercion, but the matter has rested in this condition from the time of filing the demurrer to the present time.

I simply felt that the statement of Mr. Kirwan ought to be corrected in accordance with the record.

Acting Chairman COMMONS. We are much obliged to you.

Mr. KELLER. I desire at this time, though I really do not see the relevancy of this, but inasmuch as it has been injected in here and the commissioners seemed to think it had some bearing, I desire to file the complaint and the demurrer if the commissioners desire.

Acting Chairman COMMONS. As an exhibit?

Mr. KELLER. Yes.

(The paper so presented was marked "Keller Exhibit No. 1."

Said demurrer so presented was marked "Keller Exhibit No. 2.")

Mr. KELLER. I was also requested by the commissioner, Mr. Garretson, I think, or perhaps Chairman Commons, to file a copy of the agreement under which certain of the titles were fixed.

Commissioner GARRETSON. I did not request that; it was Chairman Commons.

Acting Chairman COMMONS. You may file that.

(The paper so presented was marked "Keller Exhibit No. 3."

Keller Exhibits Nos. 1, 2, and 3 were by direction of the commission, at the request of Mr. Keller that they be returned, ordered copied into the record and returned, and will appear at the close of this day's hearing.)

Mr. KELLER. In looking over the papers, I did not find a copy of the agreement, but I did find a deed executed pursuant to the agreement which embodies the same terms.

Acting Chairman COMMONS. Would the agreement show any terms or penalties that the deed did not show?

Mr. KELLER. No, sir; I think they are identical.

Acting Chairman COMMONS. So you think they are all embodied in the deed?

Mr. KELLER. In the deed. There is no provision for compensation in the deed. In that connection I think in fairness to the situation here I ought to state, because it may be a little obscure in the record that all the property within Lead City is owned or held by the Homestake Mining Co. That impression might have been conveyed by the trend of conversation that has taken place here.

In this connection, if the commission is pleased—I understood I was excused.

Acting Chairman COMMONS. Yes; you are.

Mr. KELLER. In reference to this pending suit, and the colloquy which took place over it, as I judge it, for the purpose of indicating that there were no cases of coercion—I do not know that that is material or relevant, but it seems to have been thought so—in that connection I desire to say we have present, so I understand, two men whom we would like to have the commission examine as to that very matter. Of course we can furnish any number of acts of violence and coercion and everything else after the trouble began, and if that would interest the commission at all—we assume the commission is not interested in that—but we have two witnesses here who can substantiate the statements in this complaint to the effect that coercion and very radical coercion was used as against them prior to the time of the trouble when the organization was in progress. We should like to have the commission examine those two men.

Acting Chairman COMMONS. Mr. Neary.

TESTIMONY OF MR. J. L. NEARY.

Acting Chairman COMMONS. Please give your name.

Mr. NEARY. J. L. Neary, Lead City, S. Dak.

Acting Chairman COMMONS. What is your position with the Homestake Mining Co.?

Mr. NEARY. Credit man.

Acting Chairman COMMONS. Or rather with the Hearst Mercantile Co.

Mr. NEARY. With the Hearst Mercantile Co., I should say.

Acting Chairman COMMONS. Will you explain your duties and what your office procedure is?

Mr. NEARY. In opening up new accounts, handling the credits, handling—part of the system of the Hearst Mercantile Co., passing on different accounts; that is, the men that are employed by the company come to me to get an O. K. for what they need to go to work in the mine.

Acting Chairman COMMONS. That is what, for example; what does that cover?

Mr. NEARY. That covers what is necessary to start in, such as overalls, shoes, dinner pail, lamp, cap, underwear, everything that is practically necessary to start in.

Acting Chairman COMMONS. Then are the credits also for supplies, household supplies?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. Clothing?

Mr. NEARY. Clothing; yes, sir; groceries, furniture, hardware, and dry goods.

Acting Chairman COMMONS. How do you secure yourself, secure the Hearst Mercantile Co.?

Mr. NEARY. We take an order from the men for their check.

Acting Chairman COMMONS. That check is monthly?

Mr. NEARY. Monthly; yes, sir.

Acting Chairman COMMONS. And is that an order for the entire amount that they sign over to you?

Mr. NEARY. Yes.

Acting Chairman COMMONS. Then what is the next step?

Mr. NEARY. On pay day, whatever pay day it is, we take that check in the office and deduct the account and pay him the difference. That is, in a great many cases, of course, where people have been here for a few years and we are acquainted with them, we allow them to pay as they please, practically, on their account—that is, we do not hold it all out. That is, say a man owes an account of $60 or $70, his check may be $90, and he wants to draw $40 or $30 out of his check; he is paid that amount.

Acting Chairman COMMONS. Do you pay the cash, the balance to the men?

Mr. NEARY. Well, there is another gentleman, Mr. Fincher; we really handle the cash between us—that is, when he is out at meals I usually pay off and take my chance when he is out and he does the same for me.

Acting Chairman COMMONS. What is Mr. Fincher's position?

Mr. NEARY. Mr. Fincher's position is cashier; he handles all the cash.

Acting Chairman COMMONS. Cashier for the Hearst Mercantile Co.?

Mr. NEARY. For the Hearst Mercantile Co.

Acting Chairman COMMONS. Then who pays the men who do not trade at the Hearst Mercantile Co.?

Mr. NEARY. They are paid in the Homestake office.

Acting Chairman COMMONS. Who pays them?

Mr. NEARY. Well, they have an office force there, four or five, that usually pay the men there when they come in.

Acting Chairman COMMONS. They get their checks or cash—are they paid in cash?

Mr. NEARY. They are paid in checks on the First National Bank.

Acting Chairman COMMONS. On the bank in Lead?

Mr. NEARY. In Lead.

Acting Chairman COMMONS. What man has charge of paying them?

Mr. NEARY. Mr. Fogelsong is chief of the clerks in the Homestake office.

Acting Chairman COMMONS. Who is Mr. Fogelsong, is he an employee?

Mr. NEARY. He is an employee of the Homestake Mining Co.

Acting Chairman COMMONS. Is he the city commissioner?

Mr. NEARY. No; he is his brother.

Acting Chairman COMMONS. He is a brother of the city commissioner?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. So all of the employees of the company are either paid by you or by Mr. Fincher?

Mr. NEARY. Mr. Fincher or myself or under the direction of Mr. Fogelsong. He has four or five assistants there. Of course, as they come in it takes more than one man to wait on them.

Acting Chairman COMMONS. How many accounts have you?

Mr. NEARY. We have in the neighborhood of twelve or thirteen hundred accounts, men working for the Homestake Mining Co.

Acting Chairman COMMONS. What classes of employees?

Mr. NEARY. What classes?

Acting Chairman COMMONS. Yes; laborers, miners?

Mr. NEARY. All classes of employees—that is, men of all parts of the works, all departments. Then, of course, we extend credit to others that do not work for the Homestake Co. For instance, adjoining camps and in the city here.

Acting Chairman COMMONS. How many of that class of accounts have you?

Mr. NEARY. We perhaps have six or seven hundred, I should judge; I am not quite positive to say offhand.

Acting Chairman COMMONS. They are conducted on the same way, are they?

Mr. NEARY. Well, of course, the older inhabitants that have been here for years, their credit is established, we know them, of course, and there is nothing except to come in and pay their bill.

Acting Chairman COMMONS. They do not sign their checks to you?

Mr. NEARY. No; ordinarily.

Acting Chairman COMMONS. What proportion of those thirteen hundred sign over their checks to you?

Mr. NEARY. Well, I suppose 60 per cent of the checks come into the Hearst Mercantile office, but all those are not orders. What I mean to say is, there are a great many of the men employed who request us to cash their checks.

Acting Chairman COMMONS. What would be the reason for that?

Mr. NEARY. Convenience to a great many that come in, for instance, after the bank is closed.

Commissioner O'CONNELL. You simply cash it for them?

Mr. NEARY. Simply cash it for them. They get their money and they do not have to go to the bank. It is a convenience in that way.

Acting Chairman COMMONS. The accounts accumulate for a month, then, as a rule?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. That is the general idea?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. About what would you say would be the general average run of indebtedness at the end of a month? Is there any way of investigating that? That is, what is the balance paid to the employee at the end of the month? Take laborers first.

Mr. NEARY. Well, of course, I do not know as I could answer that directly—that is, to be positive—but there is, perhaps, in the neighborhood of $100,000 handled at the cashier's window every month.

Acting Chairman COMMONS. That is, that is paid out?

Mr. NEARY. All business transactions.

Acting Chairman COMMONS. That would indicate 600 who are not employees?

Mr. NEARY. That would indicate that about; yes, sir.

Acting Chairman COMMONS. Do they run about the same as the employees?

Mr. NEARY. The accounts?

Acting Chairman COMMONS. Yes, sir.

Mr. NEARY. Well, not quite so heavy. Of course, people of that character on the outside would perhaps have their accounts limited maybe to dry goods; another maybe might have clothing; another one might be groceries; so the accounts, of course, are scattered.

Acting Chairman COMMONS. All new employees come to you, then, to get the equipment?

Mr. NEARY. Yes, sir. They have a slip with the name, given to them by Mr. Irwin, the employment agent of the company; he presents that slip at the window, and I give him an O. K. slip in turn to the different departments for the supplies that he wants.

Acting Chairman COMMONS. Suppose an account during the month runs greater than the check?

Mr. NEARY. Well, of course, where it is noticed that it is extravagantly used, of course, they are cautioned as to what they are earning and what they are buying; but a great many of the accounts run over the check. That is, in case a man may be earning $90 or $100 a month and his account might run $115, $120, $125, or $130, there would be nothing said at all about that unless it was where it really showed signs of extravagance.

Acting Chairman COMMONS. That is, his credit must be kept good?

Mr. NEARY. Yes, sir.

Acting Chairman COMMONS. I believe that is all. Much obliged to you, Mr. Neary.

TESTIMONY OF MR. S. R. SMITH.

Acting Chairman COMMONS. Mr. Smith, give your name.

Mr. SMITH. S. R. Smith.

Acting Chairman COMMONS. How long have you lived in Lead?

Mr. SMITH. I have lived here something over 37 years.

Acting Chairman COMMONS. What has been your business during that time?

Mr. SMITH. I have been in the mercantile business mostly, in the furniture and undertaking business.

Acting Chairman COMMONS. What is your business at the present time?

Mr. SMITH. At the present time I am out of business, all with the exception of the piano business. I am getting out of business. I had the undertaking business. A year ago, a couple of years ago, I closed out my furniture business, cleaning it up a year ago, and on the 1st of this month I disposed of my undertaking business.

Acting Chairman COMMONS. What other business have you had?

Mr. SMITH. Well, the piano business and all branches of the furniture business, and also the livery business.

Acting Chairman COMMONS. You have been connected with the banking business?

Mr. SMITH. Yes; I have been a stockholder and also a director in one of the banks.

Acting Chairman COMMONS. What bank?

Mr. SMITH. I was a stockholder in the First National Bank here at one time, also the First National Bank in Deadwood, and in the Miners and Merchants' Bank when they opened here I was a stockholder there. At the present time I am not a stockholder in any. I was also on the board of directors of the Miners and Merchants'.

Acting Chairman COMMONS. You may state what were your reasons for going out of the furniture and undertaking business.

Mr. SMITH. Why, I went out of the business because it was becoming very much unprofitable. I used to make a success of the business and used to make money in it. Influence was brought to bear against my business to such an extent that I have closed it out.

Acting Chairman COMMONS. What is the nature of the influence that was brought to bear?

Mr. SMITH. It has been strongly from the managers of the Homestake Mining Co.

Acting Chairman COMMONS. On what ground did they bring that to bear?

Mr. SMITH. Well, that is what I have not been able to ascertain as the reason why, because during my residence in the city here I have always worked to aid the Homestake Mining Co. and industry, being the only industry that we have here in the city; but I have been led to believe that possibly, in the first place, it was because I was elected on the school board, and at that time the Homestake Mining Co.——

Acting Chairman COMMONS. At what time was your election to the school board?

Mr. SMITH. That was about 1890.

Acting Chairman COMMONS. That is, 25 years ago?

Mr. SMITH. Yes; about that time.

Acting Chairman COMMONS. That is a long time ago.

Mr. SMITH. Yes.

Acting Chairman COMMONS. Anything more recent than that?

Mr. SMITH. I would like to make a little explanation on that if you will allow me to give it—the reason why I believe it.

Acting Chairman COMMONS. Did the company show hostility to you? When did you first become aware of their hostility?

Mr. SMITH. Well, shortly after that I was on the school board.

Acting Chairman COMMONS. You may state what was the nature of that.

Mr. SMITH. It relates to taxes. The company refused to pay the school tax, which was about $6,000. I had got very much interested in the school work here, as it had been in very bad condition. And we added the high-school branch to the school and repaired the buildings and built a new schoolhouse down in Washington addition. And another point that we made was to employ our home teachers, girls that had graduated from the normal school at Spearfish, and——

Commissioner O'CONNELL. Speak right out; you are big enough.

Mr. SMITH. Yes. I insisted on the collection of the tax, and we compromised on half of it. They paid three thousand dollars instead of six. And from that time on I have noticed that the managers were a little hostile.

Acting Chairman COMMONS. What was the next instance of hostility?

Mr. SMITH. Well, I would like to finish this, if you will allow me to, when I got off from the school board, because there might be a little reason from that, people might think I had done something in the school district, and would like to clear it up now, if you will permit me to do so.

My term was three years as treasurer. And at the expiration of that Mr. N. W. Gregory was elected. I did not run again. And after he was elected he failed to qualify, I presume because the bond was $10,000 and he did not care to give it. Then I was asked to remain on the board by the superintendent of schools, a woman. And finally, after her persuading me to do so, I consented until another election.

But one day Mr. Ernest May, a business man here, came in with an appointment to succeed me. I very gladly turned it over, turned over the books and money to him, and during the time that I was on the school board we purchased from the C. G. Tanner—who had been in the real estate business here—a mining claim, I think it was called the Corbett claim, which lays in the heart of the mining belt, and very close to the mills. We bought it for a very small sum for the reason that his son, about 12 or 14 years old, was obliged to be moved from Lead, and he exacted a very small amount for this mining claim that he might get a ranch to take him on in the valley.

We arranged for Mr. Tanner to get the Government patent title and deed it to the school district. I remember that I remarked to another member of the board that that would bring us from thirty to forty thousand dollars some day, would build a schoolhouse. But after I had gone off the school board, I was informed by Mr. Tanner that he had deeded that to the Homestake Co. under instructions from the school board for $600.

Acting Chairman COMMONS. What is the next instance?

Mr. SMITH. Well, after I was in the Miners & Merchants Bank they seemed to renew hostilities.

Acting Chairman COMMONS. What was your attitude toward this organization of labor during the lockout?

Mr. SMITH. Well, I took the part with the Homestake, and worked to assist them in opening up the mines again in every way possible.

Acting Chairman COMMONS. Was your business largely with the employees?

Mr. SMITH. It was.

Acting Chairman COMMONS. With the old employees?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. With the new ones?

Mr. SMITH. Well, when the new ones came I didn't get their business so much as I had with the old ones who had dealt with me for many years.

Acting Chairman COMMONS. Then you account for the falling off of your business, the incoming of new employees?

Mr. SMITH. Yes; I know that they were influenced to work against my business.

Acting Chairman COMMONS. And following that what other indications have you they were influenced to trade elsewhere?

Mr. SMITH. Detectives in their employ knocking my business, men that didn't know me—I heard them in the hotel knocking my business and saying, "Don't trade with that Smith over there."

Acting Chairman COMMONS. What other evidence?

Mr. SMITH. Well, for instance, in the undertaking business, at the hospital they told me they had been instructed to turn the business away from me by the several doctors.

Acting Chairman COMMONS. What other indications?

Mr. SMITH. Well, a good many in a business way. For instance, I was trying to sell my barn down here to a party, and asked $6,000 for it, and he was very much interested in it. A few days later I heard their attorney told him to only offer me $4,000. The next time I saw him he made me that offer of $4,000. Those are only one of the great many instances that have occurred in which they were influenced.

Now, let me give you another, if you will. I sold the building down here to the Elks Lodge for a home. It is a large three-story glass-front building. In erecting that I erected it myself, and I had my name put in the stone at the top. In selling this building I took over half of the bonds of the entire issue, so that I owned over half of the building at that time, and a year ago last winter I was in California and when I returned I found my name was cut off of the stone. The man, the contractor that was working on the building, was an old friend of mine, and I asked him about it, and he told me that he had cut it off because he had been urged so strongly by the attorney that has been on the stand here, by Mr. Neary, one of the witnesses who was just here in the chair, and others who are at the head of the Homestake Mining Co., until it bothered him to such an extent he cut the name off.

Acting Chairman COMMONS. Your patrons now, then, I take it, are not employees of the Homestake Mining Co.?

Mr. SMITH. Well, not at the present time. I haven't anything left except pianos, and I am going to haul them into the country where I will get away from the employees of the Homestake Co. to sell them.

Acting Chairman COMMONS. The general weight of your evidence will be to the proposition that the company, for some reason you are not familiar with, has directed trade away from you so that practically you have been compelled to give up business in this town?

Mr. SMITH. Why, yes, sir; I think if you would converse with anybody that they would be free to tell you that that is the condition. It is general talk among a great many, and a great many of my friends have given me information that I wouldn't care to embarrass them by giving it, so that I am positive on that question.

Commissioner O'CONNELL. Who did you dispose of your furniture and undertaking business to?

Mr. SMITH. The furniture business I closed out until I got the stock reduced and moved into a building in the next block, and just as soon as I got moved I was burned out.

Commissioner O'CONNELL. Burned out?

Mr. SMITH. Burned out. In fact, the last load I took in about 5 o'clock in the evening, and at 12.20 that night the building was on fire, and I had to escape with my wife and myself through the front window. I had to drop her onto the sidewalk, and in dropping her it broke a joint in her backbone and I also was crippled in my knee by breaking the bottom of the kneecap and all the ligaments on the side of the knee, and I have been crippled ever since.

Commissioner O'CONNELL. Were there any other furniture men or undertaking people in the city with whom a combination was entered into by you to keep prices up in any way?

Mr. SMITH. No, sir; I have never combined with anyone to hold prices up. I have to mention that some years ago we started to organize a local undertakers' union for the Black Hills, and at that time I made an effort to reduce the price of embalming, and I took it up with all the undertakers living in the Hills, and all but one favored charging $50 for embalming. That one was Mr. Burns, at Rapid City, who wanted to make the price $25. I myself have made the price much less than $50, with the exception of, possibly, some few cases that I have to have extra work on account of long shipments.

Commissioner O'CONNELL. Is there a merchants' association in the city?

Mr. SMITH. Not to my knowledge.

Commissioner O'CONNELL. Is there any form of board of trade?

Mr. SMITH. There is a commercial club.

Commissioner O'CONNELL. That is a club?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. That is for amusement and social purposes?

Mr. SMITH. No, sir; they are supposed to look after the business interests of the city—the Lead City Commercial Club.

Commissioner O'CONNELL. It is the same as the board of trade or organization of the commercial men of the town for the interests of the town in the commercial world. Is that still in existence?

Mr. SMITH. We have not an organization that still exists. There is not any combination of the merchants at all; it is only a commercial club. It is organized such as most any other.

Commissioner O'CONNELL. Do you own any real estate that you rent—houses that you rent?

Mr. SMITH. Not now. I only own one building in the city, and that is a barn.

Commissioner O'CONNELL. A barn?

Mr. SMITH. A livery barn; yes, sir.

Acting Chairman COMMONS. Since you have mentioned your case, are there other business men, to your knowledge, who have been driven out in the same way?

Mr. SMITH. Well, there are several who have quit business and gone away from here.

Acting Chairman COMMONS. Are you familiar with the names of any that you could cite that have had similar experiences to yours?

Mr. SMITH. Not to the extreme my business has been handled, I don't think.

Acting Chairman COMMONS. That is sufficient. We are very much obliged to you.

Is Mr. Lusier here?

TESTIMONY OF MR. VICTOR A. LUSIER.

Acting Chairman COMMONS. Give your name.

Mr. LUSIER. Victor A. Lusier.

Acting Chairman COMMONS. Your business?

Mr. LUSIER. Cashier of the Miners & Merchants Savings Bank.

Acting Chairman Commons. What is the capital stock of your bank?

Mr. LUSIER. Twenty-three thousand dollars.

Acting Chairman COMMONS. What are your deposits?

Mr. LUSIER. One hundred and fifty thousand dollars.

Acting Chairman COMMONS. What class of business do you handle?

Mr. LUSIER. Just a general banking business.
Acting Chairman COMMONS. Is it a commercial business?
Mr. LUSIER. Yes, sir.
Acting Chairman COMMONS. Is there a savings account also?
Mr. LUSIER. Savings and commercial account.
Acting Chairman COMMONS. What is your savings account?
Mr. LUSIER. One hundred and four thousand dollars.
Acting Chairman COMMONS. One hundred and four thousand dollars?
Mr. LUSIER. Yes, sir.
Acting Chairman COMMONS. And your other commercial accounts?
Mr. LUSIER. We have what we call commercial accounts about $30,000, and about $15,000 time certificates, or time deposits, as you might call them.
Acting Chairman COMMONS. How long has your bank been in existence?
Mr. LUSIER. Since 1902.
Acting Chairman COMMONS. Does the Homestake Mining Co. have deposits in your bank?
Mr. LUSIER. No, sir.
Acting Chairman COMMONS. It does not do a checking business?
Mr. LUSIER. No, sir.
Acting Chairman COMMONS. The savings accounts you mentioned, they consist of savings from the employees of the Homestake Mining Co.?
Mr. LUSIER. Mostly; yes, sir.
Acting Chairman COMMONS. How many of those accounts have you?
Mr. LUSIER. I don't know.
Acting Chairman COMMONS. What is the average amount of the accounts?
Mr. LUSIER. I would not be prepared to say that either.
Acting Chairman COMMONS. Do you pay interest on those?
Mr. LUSIER. Four per cent.
Acting Chairman COMMONS. Your loans are all commercial, are they?
Mr. LUSIER. Yes, sir.
Acting Chairman COMMONS. The savings account, what are those loans for?
Mr. LUSIER. Our loans total $115,000.
Acting Chairman COMMONS. Are they for business?
Mr. LUSIER. For business and otherwise; for instance, mortgage on homes and collateral securities.
Acting Chairman COMMONS. What part would be on homes and securities?
Mr. LUSIER. Well, we have about $27,000 on real-estate securities.
Acting Chairman COMMONS. And the balance be loaned to business men?
Mr. LUSIER. No, sir; some investors and some otherwise. I never figured it up to see how much was commercial and how much was otherwise.
Acting Chairman COMMONS. What are the other banks in town?
Mr. LUSIER. The First National Bank.
Acting Chairman COMMONS. What is the capital stock?
Mr. LUSIER. Fifty thousand dollars.
Acting Chairman COMMONS. Is that the only other bank?
Mr. LUSIER. That is the only one.
Acting Chairman COMMONS. That is the bank that has the business of the Homestake Co.?
Mr. LUSIER. Yes, sir.
Acting Chairman COMMONS. Who is the cashier?
Mr. LUSIER. Mr. Driscoll.
Acting Chairman COMMONS. I think that is sufficient. I am much obliged to you.
Mr. Grier, will you kindly take the stand again?

TESTIMONY OF MR. T. J. GRIER—Recalled.

Acting Chairman COMMONS. Mr. Grier, you have heard some of these witnesses who have been produced here with reference to the policy of the company that you represent; are there any of these witnesses whose testimony you care to comment upon in any way? I will ask you individually—Bishop Busch—have you anything to say about the testimony which he gave?
Mr. GRIER. Well, yes, sir; I would, Mr. Chairman.
Acting Chairman COMMONS. Just state in your own way briefly the main point that you have reference to in his testimony.
Mr. GRIER. I think what I have to say would properly come under the head of "Remedy for industrial unrest."

Acting Chairman COMMONS. Well, would you care to take up individually any of these witnesses' testimony—for example, Mr. Smith's testimony?

Mr. GRIER. Why, almost everything that Mr. Smith testified to here is new to me excepting the hostility he suggests came to him from the Homestake Mining Co., and on that score I am perfectly free to say that I objected very strongly to Mr. Smith charging the unfortunate operatives of the Homestake Mining Co. who had occasion to call for an embalmer to make a charge of $50 for embalming, in view of the fact that the embalming fluid cost about 50 cents. I objected to any such charge as that as an outrage. I think it is my duty to protect as far as I can the employees under my supervision against any such outrage, and I secured a reduction from $50 to $10, which is the charge to-day.

Acting Chairman COMMONS. For embalming?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And how did you proceed to secure that reduction?

Mr. GRIER. Well, I think we asked the other undertaker in town, called his attention to the cost of the embalming fluid, and asked him why a fair charge—for instance, $10—could not be made, and he agreed to it. "Very well," I said, "I will recommend the trade to you."

Acting Chairman COMMONS. Was that true also of undertaking and coffins?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What had Mr. Smith been charging?

Mr. GRIER. Well, charging prices that I thought were outrageous; and I came into the possession of, or came into the knowledge of, the cost by reason of one of the undertakers here in town coming to me and offering me his business—to sell out to me. I told him I didn't want to buy it, but in the course of that interview I learned what the actual cost for coffins and furnishings and the conduct of a funeral were, and, knowing what Mr. Smith's charges were, I considered his charges as outrageous and disapproved of them.

Acting Chairman COMMONS. Have you any idea of how much you reduced the cost?

Mr. GRIER. I wouldn't undertake to say, excepting very materially.

Acting Chairman COMMONS. In the other case you apparently reduced it from $50 down to $10?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. That would cut off four-fifths?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Would you think the same?

Mr. GRIER. No; I should think 25 or 30 per cent, perhaps.

Acting Chairman COMMONS. Is it your general policy where you find that merchants are charging more than a fair price to take it up in this way? Have you done that in other instances?

Mr. GRIER. Well, generally; yes. As a matter of fact, the small stores of Lead city have fixed the prices, and that has been for 36 years; and instead of the Hearst Mercantile Co. doing it, to a large extent it has followed, and whenever the Hearst Mercantile Co. reduced prices on the staples, necessities of life, there was a bitter complaint from the other stores, and the question was asked, "Are you reducing these prices to such a low figure that you want to run us out of town?"

Acting Chairman COMMONS. So that the store has cooperated with you in keeping down prices and the cost of living?

Mr. GRIER. The Hearst Mercantile Co.?

Acting Chairman COMMONS. Yes.

Mr. GRIER. You understand, Mr. Chairman, I am president of the corporation, the Hearst Mercantile Co.

Acting Chairman COMMONS. Oh, I see. Yes. So that has——

Mr. GRIER. Although I would like to say I am not a stockholder and have no interest in its profits.

Acting Chairman COMMONS. Yes. So that using the Mercantile Co. you have been able to keep down the prices that the merchants charge?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. For all articles?

Mr. GRIER. There isn't any doubt of it.

Acting Chairman COMMONS. All right. Does the Hearst Mercantile Co. have any standard about the fair rate of interest that they think they should earn on the stock?

Mr. GRIER. No.

Acting Chairman COMMONS. What have been the dividends on that company's stock?

Mr. GRIER. Well, the Hearst Mercantile Co. has been quite a profitable business for 35 years.

Acting Chairman COMMONS. And what was the last dividend rate, for 1913?

Mr. GRIER. Well, that return is made by Mr. Murrin to the income-tax office. I forget what is was.

Acting Chairman COMMONS. You could give that to us, could you?

Mr. GRIER. I could; yes.

Acting Chairman COMMONS. All right, we will call for it. And the capitalization and inventory?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. We could get that?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. I should like to on this question of the underlying causes that you bring up, I should like to for my personal use, not as stating any of the ideas of my colleagues, to state to you what seems to me to be our purpose and line of suggestions which from my standpoint would be of use in the work that we have to do.

As I stated at the beginning, we are required by Congress to investigate the underlying causes of industrial unrest and to make recommendations of legislation to Congress, and naturally to States; if we find unrest, what are its causes, and what legislation or what recommendation we should make.

Now, I might state what seems to me the summing up of this testimnoy, the way it strikes me in my own point of view, not representing either the employer or the employee, but simply as a looker-on, you might say—that you have here the most remarkable business organization that I have come across in the country.

You have developed welfare features which are beyond anything that I know of, and are given with a liberal hand. You have a high scale of wages and reasonable hours, very fair hours. There has been evidently great progress made in taking care of employees and in the hospital service, and you have taken care of the cost of living, have kept that down beyond what employees in other communities have been forced to pay.

You have practically been able by your great strength here as a huge corporation, dominating the whole community, and looking out for the welfare of your employees, to bring in a desirable class of citizen. It seems also that you are influential in politics, that you secure a good class of officials, and that you secure the enforcement of law and the reduction of immorality.

It seems also that you make an effort to build up the religious life of the community, and that your policy is broad and liberal in all respects.

I take it also that this policy depends solely upon you personally. Such inquiry as I have made of you would indicate that in all cases the stockholders leave all of those matters to you personally, and that this broad policy has been carried out by you on your own initiative, and that you have felt that it was necessary for the good of the community, the securing of a fine class of labor here, that you undoubtedly have done, that you should hold the reins pretty tight on this community.

Now, the question that comes up in my mind in summing up our work and the recommendations which we should make to Congress—and this is the suggestion I would like to have from you: Would you recommend or advise or suggest that we should recommend to Congress that this method that you have here would be the best solution in this country of industrial unrest, that we should advocate or recommend to Congress the encouragement of huge corporations that dominate the locality and can control all of the interests that can put a business man out of business if he does not live up to the best interests of the community, that can through its attorney influence the politics—possibly dominate the politics of the locality, that through its contributions could encourage and keep up the religious life, the educational life of the community.

You have had experience here 36 years. Up to four or five years ago you had to divide your power with an organization of labor, so that you are in a position to make a fair comparison. In all of the reports that are made here, and all of the talk that I hear about town—indicates that you have wielded your power with the greatest fairness and with the confidence of the community and with the idea of building up a good community.

What I hear in the matter of investment is, however, that it is felt that this is all a one-man proposition; that here is a man that we can all depend upon

as long as he lives and is active in controlling the affairs of the community. The only uncertainty that I find in this community consists in the questioning of what will happen after you have been compelled to lay down your reins of power and some successor has come in to take your place.

Consequently I find that feeling amongst business men that they should keep their property in movable form so that they could get out if anything should happen, owing to these titles and the great power of the company in dominating them.

Now, taking the whole view, the situation prior to this lockout—for I take it that from that point is where you crushed out all opposition, not only labor opposition but all business opposition, in so far as you cared to do it. You have had that previous experience, and now you have this experience, and we certainly can make a finding, as I see it, that this is a model community; that it is ahead of any mining community, certainly, that I have any knowledge of. And what we must do is to make a recommendation which will look to the future as to whether as to a permanent policy in this country we should recommend to Congress and the States that this form of industrial solution—or solution of industrial unrest—should be the one which we think on the basis of what we have found here would be the proper and lasting solution for the country as a whole.

I don't know as I have expressed all of my ideas on the subject. Much of it comes from the evidence which I got here. Some of it comes from my talks around with business men, around in this town.

I find that it is almost impossible to get a business man to come forward and tell us on the stand things which he tells me privately. And consequently it is made up partly of formal evidence which I have found here, partly of my personal inquiry. It may be that I am not giving all of the facts accurately.

I should like to have you state just your judgment upon my summing up of the situation, and then for recommendations what you would suggest that we should recommend in our report to Congress.

If that is satisfactory to you, and that seems the proper way, you might take that matter up in your own way, Mr. Grier.

Commissioner LENNON. I would like to have inserted in the record that the expressions given by Prof. Commons are by Prof. Commons individually as a commissioner, and are not collective for the board of commissioners present. Now, I am not saying that we dissent from it or that we are in accord with it. I am simply stating that it is his statement.

Acting Chairman COMMONS. Well, I might say on that point——

Commissioner O'CONNELL. Well, for all the commissioners that would go, because there are some things stated I would not agree with under any circumstances.

Acting Chairman COMMONS. Well, I will make it a little stronger, Mr. Grier.

As I see the situation between you and this union here, it was simply a struggle for power. Witnesses on the part of the commission showed, and evidence that you brought forth showed, that they expected to dominate this community through the closed shop and through their strength as a union; that they did not have a policy of agreeing and negotiating and taking up matters with you. On the other hand, that you also accepted the challenge on that issue and it was simply a struggle for power between the two organizations.

And my notion of that is that in the long run a corporation of this kind will always be able to destroy the organization of labor; that is, when it comes down to a fight of this kind, that the big corporation will have the smaller—will have the labor organizations at a disadvantage, and can put them out of business. Now, that would be my comment upon the situation as regards the merits of the labor cause which these men represented. At the same time it seems to me from evidence that the conditions—this eight-hour system was brought about very largely by the fact that there was this strong organization of labor in 1906 and 1907, and that it was a useful thing at that time. It may not have been at other times when it attempted these coercive methods. Now, that is a part of the way it appeals to me individually.

I am perfectly pleased to have the safeguard put in here that I am not speaking for anybody else. Unfortunately the employers who should be present here are tied up by business obligations at the present time. And if you could continue on that basis I think we would not interrupt you again.

Commissioner LENNON. I must add a word to the record, and only a word:

While it is true that as an individual I was appointed because of my experience in the labor movement, I am serving on this commission as an Ameri-

can citizen; and as the evidence shows and as my conscience dictates my findings will be on this, as well as all others.

Acting Chairman COMMONS. Have you anything to say, Mr. O'Connell?

Commissioner O'CONNELL. Only that I haven't the slightest objection to the chairman's statement to the witness.

Commissioner LENNON. Neither have I.

Commissioner O'CONNELL. It is quite purely his own statement, and without consultation with the rest of us.

Acting Chairman COMMONS. Mr. Garretson, have you anything to say?

Commissioner GARRETSON. Nothing except that the chairman is speaking for the Chair.

Acting Chairman COMMONS. Mr. Grier, you see the situation. Are you willing to continue?

Mr. GRIER. I would like to subscribe to everything that the chairman of the commission has said, even though it does possibly flatter me. I would like also to have the views appear in the record of a gentleman who has given the subject of remedy for industrial unrest much study and who a year and a half ago proposed to me a plan to ameliorate the conditions of workingmen, which, although I expressed disapproval of at the time, I should like to submit at this hearing so that this commission may have at its leisure an opportunity to study the plan and give such consideration to it as it deems advisable.

The plan submitted by the gentleman contemplated the organization of a society in Lead with objects set forth in the following article [reading]:

"The object of this society shall be the protection and the development of the moral and material interests of its members. It is to occupy itself with the amelioration of the economic conditions of the workingmen within the limits of its jurisdiction by encouraging as far as possible a mutual fellowship, both religious and national, by favoring the creation of cooperative stores and credit associations, as also by the establishment of a bureau of employment which will guarantee the honest workingman against deceit and assure the employer honest and competent work, a popular savings bank, professional circles, and finally special schools where the young who have passed through a course in the model or commercial schools already established can acquire before entering upon their apprenticeship the technical knowledge indispensable in the exercise of their profession—in organizing, in a word, the work on the principles of justice, equity, and charity in conformity with the laws of the church, notably to those given by Pope Leo and Pope Pius X. The guild is Catholic in its essence."

Acting Chairman COMMONS. I didn't get that word.

Mr. GRIER. Guild.

Acting Chairman COMMONS. Oh, the guild; yes.

Mr. GRIER. "It prefaces the entire doctrine of the church and endeavors to be inspired above all in all its actions for the solution of economic and social problems of its members by the infallible teachings of the Chair of St. Peter, of which the bishops in union with the Pope and particularly the ordinary of the diocese are the authorized interpreters. This guild is not in any way or in any form a political or municipal association. Interesting itself as it does in the social and economic questions of the hour, it avoids all appearance of discussion in its meetings and reunions of a political and municipal character, leaving to its members an entire liberty to use their rights as citizens in following their own convictions."

Gentlemen of the commission, our experiences here following the lockout, so called, by the Homestake Mining Co. on the 24th day of November, 1909, would suggest the possibility of conducting the operations of a great industry with perfect fairness and human treatment to all of its operating force without the interference of a federation. And in thinking deeply of the matter I have wondered whether or not it would be an improvement on present conditions if the relationship between capital and labor might not well be conducted by the employer, incorporated or unincorporated, with the employee, organized or unorganized.

I think that the rolling stone—and there are such in all industries amongst the operating staff or the employees—who has no interest in any person, place, or thing on earth, who has no intention of staying in any place for any further length of time than to accumulate enough to buy a ticket to some other place—I think that such a person is the first to become dissatisfied with the conditions surrounding his work no matter how good those conditions may be; and that if he feels that there is a federation treasury behind any trouble that he is able

to precipitate that he is more apt to make the effort to precipitate the trouble than he would be if he had only his local organization behind him.

And, therefore, I say I have wondered whether or not conditions would be improved if the federation, both of employees and the federation of industries, were abolished, and let each industry deal directly with its employees, whether they are organized or whether they are unorganized.

I do not wish to be understood as voicing denial of the right to any body of men to organize. They have just as much right to organize as capital has. But I think it would be well, at least worthy of a trial, if both the employee and the employer were compelled to organize under a law, and if that law is not now in existence enact it, putting just as much responsibility and penalty on the shoulders of the organizer or the employee as is placed upon the shoulders of the employer.

I think it is very wrong that a scale of wages should be made by a federation, and that that scale should be made to apply at all of the locals in the jurisdiction of the federation. I think that each property should be allowed to make its own scale of wages and agreement with its employees, because there are no two industries in the world, even though they are in the same district, where the operating conditions are identical, where the work can be made identical, and all of the conditions surrounding the work identical.

That is why I am suggesting that the federation should not establish a scale to apply all through its jurisdiction as is too often the case. One mine might make a handsome profit at a scale of wages adopted by the federation, and that scale might absolutely prohibit the development of contiguous property. The result would be that there would be a lot of idle men in the district.

And is it not better for a man to remain idle, walk the streets, or do anything else that he might do—and we know that idle hands find mischief to do—rather than take a dollar a day less, or a quarter a day less, or 75 cents a day less, or a dollar a day less for the time being, so that the property might be proven, its worth become known, its ability to raise its scale to the standard? Or is it better for these men to walk the streets in idleness?

The federation makes a scale that applies all over, wholly regardless of the conditions or the intrinsic worth of a property, not only in various places but in the same district. I don't think that is a wise thing to prevail. Now, whether or not my suggestion would work out beneficial to all, I don't know. But it has occurred to me that in view of our experience here for the last four years that it might be well to try it.

I don't hesitate one moment to say that there never would have been any trouble here had it not been for the interference of the Western Federation of Miners. We were able always to settle in five minutes whatever little differences came up between the employees of the Homestake Mining Co. and the company as long as the local organization was in existence—for thirty-two or three or four years.

Acting Chairman COMMONS. Mr. Grier, that deals with your question. Would you give your idea on the Sunday work question? Now, what is the proper solution of that? I take it, as shown by the evidence, practically all the men that are working work practically all of the Sundays. When they take a vacation, it is a vacation, not a Sunday off. Apparently, the company has power to enforce that rule. And on the other hand it is based on the selfishness of the men. Apparently, then, the company is at the mercy of the men in that case; the men are selfish and want the money and it would require legislation to bring both of them—that legislation would naturally be uniform for all the country.

Would you think that we should recommend national or State legislation requiring one day in seven to be enforced, that would permit of continuous operation, but might not give every man a Sunday, but would gravitate toward a Sunday, and at the same time which would require probably a larger force of men, say probably 15 per cent of men.

Would you say that a guild of this kind that you suggest could accomplish that object without legislation, and should we recommend legislation to deal with this situation and similar cases in other places?

Mr. GRIER. There is a decided disposition on the part of the operating force of the Homestake Mining Co. to ask for a lay off at times when it suits them best. There was manifested decided opposition to the issuance of a compulsory order laying off the men on Sunday.

So far as church attendance is concerned, there is no reason why the operating force of the Homestake Mining Co. can't attend a religious service once every Sunday if they want to.

Acting Chairman COMMONS. The figures show that they don't.

Mr. GRIER. That they don't want to, that is the reason.

Acting Chairman COMMONS. Yes; that they are working on Sunday regularly.

Mr. GRIER. Well——

Commissioner O'CONNELL. The figures don't show that.

Mr. GRIER. The day shift gets off at 4.30. Is there anything to prevent that shift from attending evening service?

Acting Chairman COMMONS. I take it, then——

Commissioner O'CONNELL. But there are some people who do not feel they are attending the proper Sunday service when they attend the evening service. That is not their full requirement. That is not the fulfillment of their church obligation.

Mr. GRIER. Why couldn't the service be made to accommodate the men?

Commissioner O'CONNELL. At what time?

Mr. GRIER. Five o'clock.

Commissioner O'CONNELL. As I understand it, there were arrangements made here to commence church as early as 4 or 5 in the morning.

Mr. GRIER. Yes.

Commissioner O'CONNELL. Five, or six, or seven o'clock.

Mr. GRIER. But why didn't they make arrangements to attend service at 5 o'clock when both shifts were off?

Commissioner O'CONNELL. I don't know.

Mr. GRIER. And the chances are that the attendance would be an overflow congregation.

Commissioner O'CONNELL. Those who appear before us say that they failed in getting the attendance at those hours.

Mr. GRIER. Why? The men were off.

Commissioner O'CONNELL. The men have got calloused to their duties, I suppose.

Mr. GRIER. Is there anything to prevent a man going to morning service at 5 o'clock when he gets off at 4 or 4.30?

Commissioner O'CONNELL. I imagine that a man's physical condition would urge him to go home and go to bed after working until 4 o'clock in the morning.

Mr. GRIER. Is there anything, then, that would prevent that man attending service at 5 o'clock in the afternoon?

Commissioner O'CONNELL. No; I say again that service would not fulfill the man's church requirements, possibly. There are certain requirements, at least I believe so.

Acting Chairman COMMONS. I think, Mr. Grier, that your idea is this: That we should not recommend legislation on Sunday work?

Mr. GRIER. That is my idea, Mr. Chairman.

Acting Chairman COMMONS. In various industries.

Mr. GRIER. Now, I would like to suggest this to the commission: Twenty-five years ago when the operating force of the Homestake mine laid off for a number of Sundays to attend baseball games on Sunday afternoon, it was suggested that if they could do it then, why not now. I can tell you why. That was in the early day of the mine when the development had not gone very far. I can best illustrate the condition of the Homestake mine to-day, I think, by likening it to a honeycomb or a big sponge. Do you gentlemen realize that there are 70 miles of tunnels, crosscuts, drifts, winzes, and so forth, underground? Do you realize that carload after carload is dumped down, 4,000 cars a day into a winze that goes to the next level, and that it is continually wearing and wearing the sides of these openings, and if you wear away the wall around the holes or interstices in a sponge or honeycomb, you break it away, and if you break many of them away what occurs? A collapse. Do you realize that the wear is not a hundredth part as much on these walls if they are kept continually full and you dump your car into it, it drops on the ore and not on the wall, so the continuous operation——

Acting Chairman COMMONS. The suggestion that I make would permit of continuous operation.

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. It would simply be a rule, not Sunday. Sunday would not be named in the law, but it would be required that each employee should have 1 day in 7, or 36—a set number of consecutive hours, that those should be arranged by the management in such a way as they chose, putting them at different points, and it might put some minimum number of Sundays, say, 16 out of the 52 days that a man is off during the 1 day in 7, would be on

a Sunday. I am speaking now of the form of legislation which is being adopted in foreign countries and in the State of New York, and which permits continuous operation but requires 1 day off, so that kind of legislation would be a complete answer to what you have just now stated. It would not be Sunday observance strictly, but it would be 1 day in 7, and along with continuous operation of the mine.

Mr. GRIER. I do not know that there could be any serious objection to 1 day out of 7. I merely spoke as I did to call attention to the suggestion that was made that the company could just as well do it now as they did 25 years ago.

Acting Chairman COMMONS. Granting that your answer to that is correct, then you still feel we should not recommend legislation of one day in seven, roughly in the form in which I have stated. Would you still say that that kind of legislation we should not recommend?

Mr. GRIER. I think I would.

Acting Chairman COMMONS. You would recommend one day in seven?

Mr. GRIER. No, sir; I think I would recommend leaving the matter open to each State to work out as it does now.

Acting Chairman COMMONS. We have authority to recommend legislation to the States. Shall we recommend to the States that they adopt a uniform system of one day in seven?

Mr. GRIER. Well, I don't want to suggest to the commission action of that kind. I would like to add to what I said a moment ago, if you will pardon me, that in wearing away these walls you are weakening the physique of the mines.

Acting Chairman COMMONS. What you say now does not affect my proposition at all, because I am perfectly willing to concede you should have continuous operation of the mines. The only question is consistently with consistent operation of the mine, shall we legislate so as to give one day in seven to the employees?

Mr. GRIER. Well, if you will add, to as many as is possible to lay off.

Acting Chairman COMMONS. Well, you would apply that uniformly to all men. The company would have to then fix their shifts and change their shifts in such way that each man would have his proper term when he would get his seventh day off. That would be a minimum of 52 days a year.

Mr. GRIER. I know exactly what you mean, Mr. Chairman.

Acting Chairman COMMONS. Is there any reason, in your mind, except the greater profits of the company, that would stand in the way of our recommending that kind of legislation to the State of North Dakota?

Mr. GRIER. South Dakota.

Acting Chairman COMMONS. South Dakota.

Mr. GRIER. Well, if the people want it I suppose they ought to have it.

Acting Chairman COMMONS. And what objection would you raise to the people when they propose to do it?

Mr. GRIER. Well, I think we would try and meet the situation.

Acting Chairman COMMONS. So that you see no objection?

Mr. GRIER. Well, I would not say I don't see any; but——

Acting Chairman COMMONS. But put it a little different: Taking into account the public policy as well as the profits of the corporation, do you think that we might reasonably recommend that kind of legislation?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. I want to ask you a little further about this guild system you propose.

Mr. GRIER. Why, Mr. Chairman, don't misunderstand me; that is not my proposition.

Acting Chairman COMMONS. It is mine; I asked you what you thought about it.

Mr. GRIER. That was proposed to me, and I disapproved it.

Acting Chairman COMMONS. Oh; this guild system?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Then, if that is true, it is the wish of the commission you should go on and make any other statements you desire with reference to the general proposition, the facts as I have stated them here, and the recommendations.

Commissioner O'CONNELL. I would like you to take into consideration this proposition, as the chairman, in the statement made to you when you first took the stand, stated the conditions, and so on, he found here, I would like to have you express your opinion as to what would be the result to this community if a dishonest, extremely unfair man, an unjust man was occupying your position.

I suppose you expect to die some time like the rest of us. Suppose a man of the type that we hear of conducting Tammany's affairs in New York—that is, seizing from everybody revenue, taxing for every conceivable, imaginable thing, selling vice in the community—what would become of this community under circumstances of that kind?

Mr. GRIER. Well, first let me thank you for the compliment; but if the type of man you suggest should take the reins from me he would probably make some changes; I don't know. But it seems to me that bridge might be crossed when it is reached.

Commissioner O'CONNELL. That would be too late.

Mr. GRIER. I have a weak heart muscle, and am liable to go any time.

Commissioner O'CONNELL. It is liable to overtake us all at any time.

Commissioner GARRETSON. Then we will have to be careful not to excite you.

Mr. GRIER. I have to go away from here every year for three months to a sea-level altitude. But the suggestion you make has been made time and again, and, as I say, some changes would probably be made; my policies might not be approved by my successor; but do you think it is necessary to provide for that now?

Commissioner GARRETSON. Would you be willing to advocate to this commission that it should recommend to Congress the enactment of laws that would foster, continent wide, the creation of communities like this, ruled as this one is in the summing up given by the chairman from his standpoint ruled; a despotism, benevolent though it may be, but which by changes in the saddle might become malevolent?

Mr. GRIER. I plead guilty to the charge of benevolence in a high degree, but not the charge of despotism.

Commissioner GARRETSON. I merely quoted one man's conclusion.

Mr. GRIER. I think you are as capable of judging the conditions that prevail in this town as well as I am, with the information you have, and you are as capable of saying what the result would be if these conditions prevailed all over the world.

Commissioner GARRETSON. It wasn't the question of what I thought. I asked if you were willing to advocate to the commission——

Mr. GRIER. If they are the best in the world, why not?

Commissioner GARRETSON. Do you hold that they are?

Mr. GRIER. I won't say they are the best in the world, but I think they are as good as there are in the world.

Commissioner GARRETSON. Another question I would like to ask. It seems from your testimony that the main fault you found with the obtrusion or intrusion of the Western Federation of Miners was that the wages should be fixed locally according to the conditions there existing; is that correct?

Mr. GRIER. I said the wages ought to be fixed locally and not by the federation.

Commissioner GARRETSON. Where is the price of that which is paid as wage fixed, locally? Where is the value of gold determined? Because wage is paid in gold or its equivalent is it fixed locally, or is it fixed in one exchange for the world—the purchasing power of it?

Mr. GRIER. Well, I don't fix it.

Commissioner GARRETSON. No; nor it is not fixed in "Led," is it?

Mr. GRIER. "Leed," not "Led."

Commissioner GARRETSON. "Leed." I will make it "Leed." Gold and lead probably don't go well together.

Mr. GRIER. No; it is not fixed in Lead.

Commissioner GARRETSON. No. Then why should the price of that which it buys be fixed in Lead?

Mr. GRIER. I think I gave what ought to be a sufficient answer to that when I said that the conditions surrounding—that there were no two properties around which the conditions were identical.

Commissioner GARRETSON. But there are no two properties in which so much time and labor from a man is not worth so much money, if the labor and time that he gives is equivalent. Where is the price of wheat fixed; is it fixed locally?

Mr. GRIER. I do not fix it.

Commissioner GARRETSON. It has been fixed in London for the past 25 or 50 years, hasn't it, and for a large portion of the world for three centuries? Isn't that ordinarily the accepted fact that that is where it has been fixed—the London wheat market?

Mr. GRIER. I suppose so.

Commissioner GARRETSON. Where are freight rates fixed, locally or centrally?

Mr. GRIER. I think the Interstate Commerce Commission is fixing them now.

Commissioner GARRETSON. But they don't fix them here in Lead, do they? They fix them for half a continent or for a whole one, as the case may be. Why should not the men that transport that freight have a universal wage rate? Do you really believe that your point locally as to fixing the wage is a consistent one?

Mr. GRIER. I do.

Commissioner GARRETSON. When confronted with the other?

Mr. GRIER. Yes.

Commissioner GARRETSON. When capital fixes every commodity that it deals in universally, then wage should be fixed locally? Is that a prejudice or an argument?

Mr. GRIER. Whichever you choose to call it.

Acting Chairman COMMONS. Mr. Grier, did you complete the point?

Commissioner LENNON. I did not want to ask any questions, but I want to say to Mr. Grier that I shall study the talk that he has made as I have studied none that have been made before the commission. There are some ideas in it that I am not really a green hand at in this business. I do not care to ask any questions.

Commissioner O'CONNELL. Mr. Grier, what are the retail prices of coal in Lead, I would like to know; anthracite coal, for instance?

Mr. GRIER. I don't think there is a ton of anthracite used in Lead.

Commissioner O'CONNELL. It is all bituminous? Does the bituminous coal come from Colorado—the soft coal?

Mr. GRIER. The coal that is used here for domestic purposes comes mainly from Wyoming.

Commissioner O'CONNELL. What does soft coal sell for? Is there some one here who has that information?

Mr. GRIER. Yes.

Commissioner O'CONNELL. What is the retail price of coal in Lead?

Mr. MURRIN. The price of soft coal, delivered from northern Wyoming, is $6 per ton delivered in Lead City.

Commissioner O'CONNELL. Six dollars?

Mr. MURRIN. Yes.

Commissioner O'CONNELL. As I understand there is no anthracite used by you at all?

Mr. MURRIN. No; very little.

Commissioner O'CONNELL. Very little. Does any come in?

Mr. MURRIN. Yes; we ship probably one car annually only.

Commissioner O'CONNELL. And what does anthracite retail at?

Mr. MURRIN. Seventeen dollars to the ton.

Commissioner O'CONNELL. Seventeen dollars?

Mr. MURRIN. Pennsylvania anthracite.

Commissioner O'CONNELL. I don't blame them for not using anthracite.

Mr. MURRIN. The principal part of that price is consumed in the freight.

Commissioner O'CONNELL. Oh, undoubtedly.

Acting Chairman COMMONS. Mr. Grier, I wonder if you really got the situation from our standpoint—from my standpoint—in answer to some of the questions that were brought up, granting that we should not try and cross the bridge before we reach it, in your particular case.

Mr. GRIER. Yes.

Acting Chairman COMMONS. Not to be too personal or invidious, we might say complimentary; but as a matter of fact, is the control of this company's interest here left practically by the stockholders to your direction?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. What do you submit to them for their approval? What class of questions or policy do you submit to them, stockholders or directors, for their approval?

Mr. GRIER. I do not believe that I submit anything to them.

Acting Chairman COMMONS. Then, you consider that situation seems to be that they simply have confidence in you and leave it all to you and refer everybody to you. Ordinarily we find that a man in your position would be compensated according to the profits of the business; that is, would have some share of stock. Would you be willing to say why it is that difference is made

in this case? Perhaps that has some important bearing on the general situation, that you are not a stockholder in any of these companies.

Mr. GRIER. I am not a stockholder in the Homestake Mining Co. and never was. I have always thought that having no shares of stock in the company that I was in a stronger position. It is well known that oftentimes a superintendent who is a stockholder, and speculating in the stock of the company whose operations he supervises, takes advantage of his position to mine and mill the richest ore in the mine for the purpose of advancing the price of the stock so that he might sell it; that after he has sold out he then commences to mine and mill the lowest grade of ore so that the stock may fall and he buy it back; that goes on continuously. I have felt that my duty was to the owners of the property to work it to what I thought was the greatest advantage to all concerned, preserving the physique of the mine by so operating the property that the door was not open for any criticism.

Acting Chairman COMMONS. That seems a very important point. Would you think that we might profitably recommend such a proposition to be enacted in the corporation law?

Mr. GRIER. Yes.

Acting Chairman COMMONS. That the operating end, the head of the operating end, should not be a speculator or holder in the stock of the company?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. You feel that that not only gives you a better attitude toward keeping the physique of the property, but does it give you a better attitude toward the wage earners, do you think—the employees of the company—that you are not interested in the stock?

Mr. GRIER. I think so.

Acting Chairman COMMONS. In what way?

Mr. GRIER. Well, I think that an operating force would regard the superintendent of the property that they were working for in a better light than if they thought he was largely interested in it and was manipulating its product for his own personal gain.

Acting Chairman COMMONS. In taking it out of that, would that be the notion?

Mr. GRIER. Probably.

Acting Chairman COMMONS. Ordinarily, in giving employees an interest in the stock, there is a usual and customary method of giving the superintendent or management some contingent compensation on the basis of the saving they make, or the efficiency; are you paid just a straight salary, or is there a contingent compensation?

Mr. GRIER. Straight salary.

Acting Chairman COMMONS. What is your salary?

Mr. GRIER. Twenty-five hundred dollars a month.

Acting Chairman COMMONS. You feel that a straight salary, being disinterested, you might say, a man standing between the stockholders and the staff at a mill, that is commensurate with the undertaking?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. Is the proper way. How long have you been receiving that salary?

Mr. GRIER. When I entered the service of the Homestake Mining Co. 37 years ago I was paid $250 a month. After being in the service for two or three years I was given $300 a month.

When my predecessor in office died, in 1884, that salary was not raised for, I think, four years. I continued to draw $300 a month. At the expiration of four years it was raised to $500 a month. I do not recall how long I worked at that salary. It was raised from that to $750, and from that to $1,000, and from $1,000 to, I think, $1,250 a month. The raise has been gradual. I have not been drawing $2,500 a month very long. But it has been gradual from the time I entered the service, 37 years ago.

Acting Chairman COMMONS. You are responsible for property of twenty or twenty-five millions capital, are you not?

Mr. GRIER. Yes, sir.

Acting Chairman COMMONS. And an operating expense of something like three million a year?

Mr. GRIER. Yes; over three million a year.

Acting Chairman COMMONS. And an operating income for dividends, and so on, of about the same, or about three million?

Mr. GRIER. I think the operating expenses would be a whole lot more than three millions; I think it would be nearer four; the labor, too.

Commissioner GARRETSON. Was not the income in excess of seven millions last year?

Mr. GRIER. Sir?

Commissioner GARRETSON. Was not the total income in excess of seven millions last year?

Mr. GRIER. No; six.

Commissioner GARRETSON. That includes surplus that was carried over?

Mr. GRIER. Yes; it is about six.

Acting Chairman COMMONS. Well, saying it was three million, the salary which you get is such a small fraction on the great interest at stake that the ordinary rule of paying railroad presidents would go far beyond the compensation?

Commissioner GARRETSON. No; it would not. No railroad president on this continent draws over one hundred and fifty thousand; and the capitalization amounts to ten and twenty times what that is.

Mr. GRIER. Water and all?

Commissioner GARRETSON. Water and all.

Mr. GRIER. It is water and all.

Commissioner GARRETSON. And in very few cases water and oil.

Commissioner O'CONNELL. Do you take care of water in this capitalization?

Mr. GRIER. No; there is not any at all.

Commissioner O'CONNELL. No water at all?

Mr. GRIER. No.

Acting Chairman COMMONS. Just one other point. You seem to think that from our standpoint of recommending legislation for a permanent policy we should simply take the standpoint of the corporation itself and take our chances on the next administration, the next man?

Mr. GRIER. I think so.

Acting Chairman COMMONS. And that legislation should not endeavor to provide for any of these provisions of voluntary guild system, that there should be no question of political, municipal, State, or national supervision in such a way as to protect the employees against abuse and to protect the stockholders? What is your idea about that?

Mr. GRIER. I have not had very much supervision.

Acting Chairman COMMONS. So you could not help us on that?

Mr. GRIER. No; I could not.

Acting Chairman COMMONS. And whatever we might find regarding your situation here would not be a good guide for us for the problem in general?

Mr. GRIER. You are much better able to decide on that point, Mr. Chairman, than I am. I have been here all my life, and I am not as familiar as you will be after you get through with this work with conditions elsewhere.

Acting Chairman COMMONS. I am sure, Mr. Grier, we have been very much profited by your testimony and by the situation.

Any other member of the commission desire to ask any questions?

Commissioner GARRETSON. Nothing more.

Acting Chairman COMMONS. We wish to thank you for your courtesy and the instruction you have given us and the citizens and mayor and those who have taken care of our convenience while here.

The commission will stand adjourned.

(Whereupon, at 12.10 o'clock p. m. Tuesday, August 4, 1914, the commission adjourned to meet in the city of Butte, Mont., Thursday, August 6, 1914, at 10 o'clock a. m.)

EXHIBITS.

GRIER EXHIBIT NO. 3.

Detailed statement of men employed under mine management during the month of January, 1914, Homestake Mining Co.

Location and boss.	Occupation.	Number of men.	Days.	Rate.	Amount.
Surface—Tramway	Engineers	3	93	$4.00	$372.00
	Trackmen	1	31	3.50	108.50
	Do	2	53	3.00	159.00
	Oilers	1	24½	3.00	73.50
	Laborers	13	366½	3.00	1,099.50
Total		20	568		1,812.50
Golden Prospect—Hoist	Engineers	3	93	4.50	418.50
	Compresser engineers	3	93	4.00	372.00
	Motor operators	2	62	3.50	217.00
	Firemen	3	93	3.00	279.00
	Assistant firemen	2	62	2.50	155.00
Total		13	403		1,441.50
Golden Star—Hoist	Engineers	3	93	4.50	418.50
	Firemen	2	64¼	3.00	192.75
	Assistant firemen	1	31	2.50	77.50
Total		6	188¼		688.75
Ellison—Hoist	Engineers	3	93	4.50	418.50
	Compresser engineers	6	186	4.00	744.00
	Motor operators	2	62	3.50	217.00
	Oilers	2	67	3.50	234.50
	Do	1	28	3.00	84.00
	Firemen	6	188	3.00	564.00
	Assistant firemen	6	145¼	2.50	363.10
Total		26	769¼		2,625.10
B. & M.—Hoist	Engineers	3	94¼	4.50	424.10
	Compresser engineers	3	93	4.00	372.00
	Motor operators	2	62	3.50	217.00
	Oilers	2	64	3.00	192.00
	Do	1	31	2.75	85.25
	Firemen	5	131½	3.00	394.50
	Assistant firemen	2	82½	2.50	206.25
Total		18	558¼		1,891.10
Old Brig—Hoist	Engineers	2	62	4.50	279.00
	Crusher engineers	1	33½	3.50	117.25
	Firemen	2	63½	3.00	190.50
Total		5	159		586.75
Golden Gate—Hoist	Engineers	2	62½	4.50	281.25
	Crusher engineers	2	62	3.50	217.00
	Oilers	1	31	2.50	77.50
	Firemen	3	93	3.50	325.50
	Yardman	1	30½	3.00	91.50
Total		9	279		992.75
Trezona	Miners	4	120	3.50	420.00
	Laborers	3	84	3.00	252.00
	Do	13	408½	2.50	1,021.25
	Painters	1	10	4.00	40.00
	Do	2	62	3.50	217.00
	Rope men	1	34¾	4.50	156.35
	Do	1	31¾	3.50	111.15
	Do	4	165½	3.00	495.70

Detailed statement of men employed under mine management during the month of January, 1914, Homestake Mining Co.—Continued.

Location and boss.	Occupation.	Number of men.	Days.	Rate.	Amount.
Trezona (continued)	Drill repairers	1	31	$4.75	$147.25
	Do	1	30	3.50	105.00
	Do	1	30	3.00	90.00
	Pipemen	1	31	3.50	108.50
	Pump men	1	31½	4.00	126.00
	Watchmen	1	38	3.50	133.00
	Harness maker	1	31	3.50	108.50
	Sampler	1	31	4.00	124.00
	Boiler cleaner	1	31	3.75	116.25
	Shift boss	1	31	4.50	139.50
	Night foreman	1	31	8.00	248.00
	General foreman	1	31	(1)	350.00
Total		41	1,293¾		4,509.45
Magnusson	Carpenter	1	31	10.00	310.00
	Carpenters	2	59	5.00	295.00
	Do	1	31	4.50	139.50
	Do	11	335½	4.00	1,342.00
	Crusher men	1	31½	4.00	126.00
	Do	4	112½	3.00	337.50
	Sawyers	5	154	3.50	539.00
	Do	8	240¾	3.00	722.25
	Laborers	6	160½	2.50	401.25
	Saw filer	1	31	3.50	108.50
Total		40	1,186¾		4,321.00
Waldschmidt	Miners	22	604	3.50	2,114.00
	Shaft men	1	24	4.00	96.00
	Laborers	6	182	3.00	546.00
	Do	4	48	2.50	120.00
	Shift boss	1	34¾	4.50	156.35
Total		34	892¾		3,032.35
Mine—Huntley—timbermen	Miners	8	240¾	3.50	842.60
	Timbermen	7	208½	3.50	729.75
	Timbermen's helpers	4	97½	3.00	292.50
	Barmen	2	62	3.50	217.00
	Laborers	4	112	3.00	336.00
	Pipemen	2	62½	3.50	218.75
	Trackmen	5	159	3.50	556.50
	Oilers	3	91	3.00	273.00
	Assistant foremen	2	65½	7.00	458.50
Total		37	1,098¾		3,924.60
Green, timbermen	Timbermen	20	599½	3.50	2,097.35
	Miners	4	125	3.50	437.50
	Barmen	2	63½	3.50	221.35
	Shafts men	1	31¾	4.50	142.85
	Do	4	131¾	4.00	527.00
	Pipemen	1	31½	4.00	126.00
	Do	2	63	3.50	220.50
	Watchmen	4	121½	3.50	425.25
	Timbermen's helpers	12	349	3.00	1,047.00
	Laborers	39	1,034	3.00	3,102.00
	Oilers	3	93	3.00	279.00
	Trackmen	4	115½	3.50	404.25
	Waste boss	1	31	4.00	124.00
	Assistant foreman	1	31	7.00	217.00
Total		98	2,820½		9,371.05
100–200–300–400 levels—Townsend and Treweek	Miners	24	726¾	3.50	2,543.60
	Miners' helpers	1	30½	3.00	91.50
	Laborers	32	981½	3.00	2,943.75
	Tally men	2	70½	3.00	211.50
	Cage men	3	104¾	3.00	314.25
	Tool carriers	1	30	3.00	90.00
	Powdermen	1	15	4.50	67.50
	Do	1	14	4.00	56.00
	Do	3	89	3.50	311.50
	Pump men	3	93	4.00	372.00
	Motor men	4	127	3.50	444.50
	Oilers	1	27½	3.00	82.50
	Shift bosses	2	70¼	4.50	316.10
Total		78	2,379½		7,844.70

[1] Per month.

Detailed statement of men employed under mine management during the month of January, 1914, Homestake Mining Co.—Continued.

Location and boss.	Occupation.	Number of men.	Days.	Rate.	Amount.
500 level—Arthur & Henry	Miners	26	669½	$3.50	$2,343.25
	Barmen	2	59	3.50	206.40
	Miners' helpers	7	188½	3.00	565.50
	Laborers	9	253½	3.00	760.50
	Landers	2	49	3.50	171.50
	Do	8	220½	3.00	661.50
	Cage men	4	120½	3.50	420.85
	Station men	3	80½	3.00	241.50
	Motor men	3	92½	3.50	323.75
	Assistant motor men	1	31	3.00	93.00
	Tool carrier	1	30	3.00	90.00
	Tallymen	2	37	3.00	111.00
	Shift bosses	2	70¾	4.50	318.35
Total		70	1,902		6,307.10
600 N. level—Caretto & Tessier	Miners	30	830	3.50	2,905.00
	Miners' helpers	19	506½	3.00	1,519.50
	Laborers	15	334¼	3.00	1,002.75
	Motor men	2	60	3.50	210.00
	Assistant motor men	1	17½	3.00	52.50
	Shift bosses	2	68¾	4.50	309.35
Total		69	1,817		5,999.10
400–600 S. levels—Guthrie & Walrod.	Miners	19	530½	3.50	1,856.75
	Miners' helpers	6	147	3.00	441.00
	Laborers	13	382¼	3.00	1,146.75
	Motor men	2	62¾	3.50	219.60
	Tool carrier	1	31	3.00	93.00
	Tallymen	2	65½	3.00	196.50
	Shift bosses	2	70	4.50	315.00
Total		45	1,289		4,268.60
500–700 levels, Caledonia—Jelbert & Phillips.	Miners	22	614½	3.50	2,150.75
	Miners' helpers	6	165½	3.00	496.50
	Laborers	20	507	3.00	1,521.00
	Tool carrier	1	31	3.00	93.00
	Tallymen	4	120	3.00	360.00
	Shift bosses	2	69½	4.50	312.75
Total		55	1,507½		4,934.00
700 level—Andrews & Rector	Miners	22	654	3.50	2,289.00
	Miners' helpers	16	402½	3.00	1,206.75
	Laborers	19	520	3.00	1,560.00
	Motor men	3	95½	3.50	334.25
	Assistant motor men	2	60	3.00	180.00
	Tool carrier	1	30	3.00	90.00
	Landers	2	65½	3.50	229.25
	Do	15	405½	3.00	1,217.25
	Cage men	4	119½	3.50	418.25
	Station men	2	45½	3.00	136.50
	Shift bosses	2	69¾	4.50	313.85
Total		88	2,467¾		7,975.10
800 level—Aladalo & Furze	Miners	29	766	3.50	2,681.00
	Miners' helpers	11	298	3.00	894.00
	Laborers	39	1,083	3.00	3,249.00
	Motor men	5	169	3.50	591.50
	Assistant motor men	2	49½	3.00	148.50
	Tool carrier	1	31	3.00	93.00
	Shift bosses	2	71¼	4.50	322.85
Total		89	2,468¼		7,979.85
900–1,000 levels—Bowers & Murray.	Miners	30	762	3.50	2,667.00
	Miners' helpers	14	367	3.00	1,101.00
	Laborers	42	1,142½	3.00	3,426.75
	Motor men	4	125½	3.50	439.25
	Assistant motormen	1	30	3.00	90.00
	Tool carrier	1	31	3.00	93.00
	Tallymen	4	118½	3.00	355.50
	Shift bosses	2	67¼	4.50	302.60
Total		98	2,643½		8,475.10

Detailed statement of men employed under mine management during the month of January, 1914, Homestake Mining Co.—Continued.

Location and boss.	Occupation.	Number of men.	Days.	Rate.	Amount.
1,100 level—Binney & Helphenstine.	Miners	25	703½	$3.50	$2,462.25
	Miners' helpers	6	170	3.00	510.00
	Laborers	37	1,038¼	3.00	3,114.75
	Landers	2	61½	3.50	215.25
	Do	22	597¾	3.00	1,793.25
	Cage men	4	148	3.50	518.00
	Station men	4	111	3.00	333.00
	Motor men	6	186	3.50	651.00
	Tool carrier	1	27	3.00	81.00
	Tallymen	2	59½	3.00	178.50
	Shift bosses	2	67¼	4.50	302.60
Total		111	3,169¾		10,159.60
1,250 level—Curnow & Ferguson.	Miners	33	916	3.50	3,206.00
	Miners' helpers	18	505½	3.00	1,515.75
	Laborers	28	716½	3.00	2,149.50
	Cage men	2	62½	3.00	186.75
	Hoisting engineers	2	62¼	4.50	280.10
	Motor men	2	61½	3.50	215.25
	Tool carrier	1	29	3.00	87.00
	Shift bosses	2	72½	4.50	326.25
Total		88	2,425¼		7,966.60
1,400 level—Collins & Fallett.	Miners	26	696½	3.50	2,437.75
	Miners' helpers	14	397¾	3.00	1,193.25
	Laborers	16	626	3.00	1,878.00
	Tool carriers	2	57½	3.00	172.50
	Motor men	2	57¾	3.50	202.10
	Shift bosses	2	61	4.50	274.50
Total		62	1,896½		6,158.10
1,550-1,850 levels—Campbell & Gartley.	Miners	24	682½	3.50	2,388.75
	Miners' helpers	16	450½	3.00	1,351.50
	Laborers	27	592½	3.00	1,777.50
	Motor men	4	121½	3.50	425.25
	Shift bosses	2	63½	4.50	285.75
Total		73	1,910½		6,228.75
Deadwood-Terra—Cavanaugh.	Miners	12	328	3.50	1,148.00
	Laborers	33	853	3.00	2,559.00
	Surface laborers	1	28	2.50	70.00
	Landers	9	256	3.00	768.00
	Cage men	2	54	3.00	162.00
	Blacksmith	1	29	3.50	101.50
	Motor men	2	61	3.50	213.50
	Shift bosses	2	69½	4.50	312.75
	Assistant foreman	1	31	5.50	170.50
Total		63	1,709½		5,505.25
Highland—Blewett	Miners	27	756	3.50	2,646.00
	Timbermen	5	149¼	3.50	522.35
	Timber helpers	3	89¼	3.00	267.75
	Laborers	39	1,079½	3.00	3,238.50
	Motor men	3	96	3.00	336.00
	Assistant motor man	1	30½	3.00	91.50
	Powderman	1	29	3.50	101.50
	Tool carrier	1	31	3.00	93.00
	Tallyman	1	30	3.00	90.00
	Shift boss	1	37¼	4.50	167.60
	Night foreman	1	32¾	5.00	163.75
	Assistant foreman	1	31	7.00	217.00
Total		84	2,391½		7,934.95

Detailed statement of men employed under mine management during the month of January, 1914, Homestead Mining Co.—Continued.

RECAPITULATION—JANUARY, 1914.

Rate per day.	Total number of men employed.	Total number of days worked.	Total amount of monthly wages.	Rate per day.	Total number of men employed.	Total number of days worked.	Total amount of monthly wages.
$2.50	36	994¾	$2,491.85	$10.00	1	31	$310.00
2.75	1	31	85.25	Per month	1	31	350.00
3.00	743	20,568½	61,705.50	Contractors	20	503	2,362.90
3.50	535	15,296½	53,536.55				
3.75	1	31	116.25	Total	1,440	40,697¾	135,296.60
4.00	41	1,229¾	4,919.00				
4.50	51	1,667¼	7,502.30	1909	1,784	47,129	154,193.00
4.75	1	31	147.25	1911	1,897	49,452	162,592.20
5.00	3	91¾	458.75	1912	1,631	45,213	148,541.05
5.50	1	31	170.50	1913	1,497	41,523	137,517.50
7.00	4	127½	892.50	1914	1,440	40,697¾	135,296.60
8.00	1	31	248.00				

Percentage of cost for labor at the different rates.

	1909	1911	1912	1913	1914
$3.00	0.5220	0.5010	0.4982	0.4792	0.4760
3.50	.3689	.3970	.3807	.3760	.3757
4.00	.0380	.0310	.0323	.0352	.0366
4.50	.0392	.0500	.0501	.0548	.0554
All others	.0319	.0210	.0387	.0548	.0563

Recapitulation of men employed underground only from the 100-foot to the 1,850-foot levels, inclusive, January, 1914.

Rate per day.	Total number of men employed.	Total number of days worked.	Total amount of monthly wages.	Rate per day.	Total number of men employed.	Total number of days worked.	Total amount of monthly wages.
$3.00	583	16,058¾	$48,174.75	$8.00	1	31	$248.00
3.50	458	13,036	45,625.70	Per month	1	31	350.00
4.00	10	301¼	1,205.00	Contractors	20	503	2,362.90
4.50	31	968½	4,458.00				
5.00	1	32¾	163.75	Total	1,109	31,089¼	103,480.60
7.00	4	127½	892.50				

1909, January, 36,919 days worked, at 31 days per man, 1,190 men.
1911, January, 39,076 days worked, at 31 days per man, 1,260 men.
1912, January, 35,570 days worked, at 31 days per man, 1,147 men.
1913, January, 32,454 days worked, at 31 days per man, 1,047 men.
1914, January, 31,089 days worked, at 31 days per man, 1,002 men.
1909, drifts and raises run during January, 1,068 feet.
1911, drifts and raises run during January, 2,211 feet.
1912, drifts and raises run during January, 1,250 feet.
1913, drifts and raises run during January, 1,541 feet.
1914, drifts and raises run during January, 1,457 feet.

LEAD, S. DAK., *February 16, 1914.*

Total of mine and tramway pay rolls for the past 10 years.

[1,000 stamps dropping from July 16, 1904, to July 1, 1913, 1,020 since.]

Year.	Total number of names on pay rolls, year.	Average per month.	Total days worked.	Average per month.	Total amount of pay rolls.
1904	20,724	1,727	510,844	42,570	$1,658,143.50
1905	21,486	1,790	532,266	44,355	1,727,194.35
1906	20,836	1,736	499,973	41,664	1,622,069.30
1907[1]	16,340	1,359	384,007	32,000	1,258,761.45
1908	21,367	1,780	550,410	46,868	1,800,493.25
1909[2]	18,842	1,713	476,787	43,344	1,559,225.45
1910[2]	23,378	2,125	512,599	46,599	1,691,710.35
1911	21,593	1,799	546,920	45,577	1,798,558.25
1912	19,019	1,581	500,307	41,692	1,658,322.70
1913	17,599	1,466	471,250	39,271	1,567,410.60

[1] Only part of year working full force, fire in mine.
[2] Only part of year working full force, labor trouble.

GRIER EXHIBIT NO. 4.

NOVEMBER 21, 1909.

Minutes of conference held at Homestake Co.'s office, in Lead, S. Dak., at 5 o'clock p. m., November 21, 1909, between T. J. Grier, superintendent of the Homestake Mining Co., Richard Blackstone, assistant superintendent of Homestake Mining Co., and Chambers Kellar, general counsel, representing Homestake Mining Co., and T. J. Ryan, Peter Jorey, Chris Christenson, William E. Tracy, and James Kirwin, representing union employees of Homestake Mining Co.

Certificate showing appointment of committee from miners' union presented to Mr. Grier, dated November 21, 1909, in the following words:

"This is to certify that at a mass meeting of the union employees of the Homestake Mining Co., held in the Lead Opera House on Sunday afternoon, November 21, 1909, the following-named gentlemen were appointed a committee to confer with the superintendent of the Homestake Mining Co. in regard to a settlement of the present controversy between the employees and the mining company: T. J. Ryan, Peter Jorey, Chris Christenson, William E. Tracy, James Kirwin.

"WILLIAM E. TRACY, *Chairman.*
"E. G. HUNTLER, *Secretary.*"

Mr. GRIER. Well, gentlemen, who is your chairman?

Mr. RYAN. If you and Mr. Kirwin will fight it out it will please me better.

Mr. KIRWIN. I prefer that Mr. Ryan act as chairman.

Mr. RYAN. I will say to start with that the mass meeting this afternoon was informed that the business men had arranged a meeting with you and it was on the strength of that that this committee was appointed in order to try and arrange a settlement of the difficulty existing. I may go further and state that the union, all of them in fact, I believe, are determined upon an entire unionization of the camp as far as possible. There is some little flaw in this our ultimatum. That don't mean that every man shall join the union, but as far as they are eligible to join. Now, then, this ultimatum that you have issued in regard to these men withdrawing from the union, we want that withdrawn. We want a closed shop by the Homestake Mining Co. That doesn't mean that the company necessarily shall employ union men; they employ whoever they wish and after a reasonable time, say 45 days, they become members of our organization or some other organization. Of course, if this is granted it does away with this discrimination against any man who has not signed this list. You know, Mr. Grier, as well as the rest of us, that the union has had a hard time here for a number of years. Ever since I have been secretary for the last seven years we have been continually on the fight for membership, always, you might say, scrapping simply because some are

union men and others are nonunion. Now, if the company would help us, or if they can not help, to remain neutral, not to have any discrimination, but allow us to work in an honorable way to induce these men to join the union, I think something can be arranged. The way it is you can not tell what time there will be trouble starting up. With union men and nonunion men it brings the company and the union antagonistic to one another continually. It is no more than they have in Butte and in other camps. They have a hospital in Colorado. * * * Everybody belongs to the union. It is the same way in Butte; same way in other camps in the west. Of course when this agitation started there were lots of stories. In fact there were men, I believe, walked in front of the office here one night, going to ask for a raise of wages, but they did not belong to our organization at all. They had always antagonized us. They were the first to ask for a raise of wages. I believe I speak with full knowledge of every man here. Nothing like a raise in wages was ever contemplated. It was simply to get men into the union to help us. I myself for 18 months paid $5 a month to build that building (speaking of the Miners' Union Hall). There were other men paid more than that. Afterwards a $2 assessment was levied. I feel and others feel that others should bear a share of that burden. When I leave it is left for the employees of the Homestake Co., members of the union. It was built for the purpose of helping the union men. Helping to pay a sick benefit for members. That was the idea for building that building. We increased our sick benefits to $10 a week. We have under contemplation at the present time a further increase and accident benefit; something that will protect our members. I feel that the union sentiment in the town, in the Hills, is strongly in our favor, and it is something that we can command at the present time. That is the way I feel about it.

Mr. KIRWIN. Well, Mr. Grier, when the work of organization started here it was due to the fact that a great deal of dissatisfaction existed in the western mining camps over the situation here in Lead. Men would come from Lead to Butte, to British Columbia, to Arizona, without cards. They would ask where they came from. "From Lead." "Why don't you have a card?" "We don't have to." These complaints continually came up, and they thought Lead ought to be made a union camp. For that reason the executive board took the matter up and we made an effort to organize Lead. I stated publicly that we didn't intend to involve the company in any way in this proposition. I think I am correct in stating that if the company kept their hands off the proposition everything would be all right. We didn't like to bring the company in it. And so the work of organization has been carried along and been carried along successfully. Now, there is another thing right in the mines here. There is a union man and there is a nonunion man. The union man is never satisfied. He knows the nonunion man is receiving the same benefits he is receiving. He is getting the benefit of working conditions which the other fellow has brought about through organization, and there is naturally a feeling of discontent and dissatisfaction continually creeping up. We don't ask the company to employ union men. We realize that the poor fellow who is working for a job who doesn't belong to the union has the same rights that we have, and he is entitled to secure employment if he can, but after a reasonable time for him to be placed on his feet we ask him to come in with us to maintain our organization, help to take care of the poor devils who have been unfortunate through sickness or accident or any way, and give them a decent burial when they die. We have the same conditions in other places, and I believe if Mr. Grier and the Homestake Mining Co. will take this matter up and come to some agreement with us, I believe everything will run along nice and smoothly and all trouble can be prevented not only now but in the future. We are not only anxious for some kind of an understanding at the present time, but we want to take steps to prevent trouble in the future, because every intelligent man knows that grievances will be coming up in spite of everything. But we want to dispose of those grievances, and my idea would be that if we have an understanding with the company that the miners' union have a good, level-headed committee to act as an adjustment or grievance committee and when any difficulty arises this committee will take the matter up with Mr. Grier and an effort made to reach a settlement and the work continue, and by this organization the stories circulated will be cut out. It will be better for everybody, I think. We are not looking for any trouble; never anticipated that anything of this nature would come up at this time when we started to organize this camp. But per-

sonally I am not an employee of the Homestake Mining Co. and am not a member of this union. I am a member of the Terry Miners' Union, and I have been elected on the executive board of the Western Federation of Miners, and naturally have to take a hand in straightening out little difficulties that come up in different parts of the country, and I don't care to take up too much of your time in this matter. I feel that the members of the Lead City Miners' Union are capable of handling their own business.

Mr. RYAN. I will state, Mr. Grier, that they meet again this evening to receive the report of this committee. We have got to report back to them. Of course, upon our report will depend a great deal whether we have a meeting on the 25th. Of course, you understand that we consider—that I consider you as a friend, and we are not doing this because we have any real grievance against you. We understand that you are superintendent of the Homestake Co. and working for them, and you needn't feel that personally we will hold you responsible for anything that may transpire, and I feel sure that you will not hold any member of the union responsible in connection with what he will do in connection with the union. At least, he should not be held. I believe in unionism; was brought up at ———. There had been a strike there. The union sent $200, besides levied an assessment of 25 cents a member, and I feel that each member that goes out for a principle, that he should be considered that he is losing that much himself, and if you are working for the company, I consider you are working for the company, not for us. Anything you do I certainly will appreciate. Anything you can not do, personally I would not think of holding you responsible for it.

Mr. TRACY. Mr. Grier, I don't think I can add very much to what has been said by Mr. Ryan and Mr. Kirwin. I have been a man that was sent here and actively employed in this work of organization. I was sent here for the purpose of thoroughly organizing Lead and making a union camp of it. In that respect we have been practically successful. At this time very few men now remain outside of the union ranks, and most of those have signified their intention of becoming union men. I have been told repeatedly by employees of the Homestake Co.—by men who claimed to be personally acquainted with you—that you had no objection whatever to the organization of men in the union, and that you had often and repeatedly expressed a sentiment in that respect and in that way, but that you had positively and always refused to take any part or render any assistance to such organization. For that reason as much as any other I didn't consider that it would be quite proper for me to approach you and discuss the subject, and I had some doubt as to whether you would be willing to give me an audience. I proceeded along such lines as seemed to be best, most practicable for the purpose of accomplishing the object that we had in view. I have been questioned a great many times about intended strikes, about increased pay, and other changing of conditions, and to all of such questions I have replied that the Lead City Miners' Union or the Western Federation of Miners are not contemplating any such course of action. We consider that the first principle of unionism is the protection of the union men; to protect them in their wage scale and in fair working conditions, and in order that it may be effective in affording this protection we consider that it is necessary for the union to enforce its jurisdiction, because where a union is unable to enforce its jurisdiction, where it is unable to compel membership or require membership of men employed, it is at all times possible for nonunion men, and especially during times of industrial depression when there are a number of men out of employment—there is always present before a man a great temptation to go in and underbid another worker and secure the employment away from him. That is frequently spoken of as one of the rights of the American citizen. A great many men appear to be deluded by that. But in reality we consider that it is a mistake; that no more men would be employed in mines or factories or railroads of a company if the wages were reduced by half than there are now employed; simply the living conditions would be reduced to that much lower extent. I don't know that it is necessary for me to explain any further. You gentlemen are probably, all of you—Mr. Grier in particular—as well aware of what your sentiments are as you would be if I continued to explain any further. It may be that I have been deceived by personal friends of yours, Mr. Grier. A great many employees seem to regard you with a spirit of love and affection. I have been repeatedly told that I had nothing to fear of Mr. Grier; that he was certainly a good man—a man well thought of and respected and loved by practically all the citizens of the com-

munity; and, with a few exceptions perhaps, that is true. Having these things in mind I proceeded with this work of organization without taking counsel with you or in any manner bringing you or the Homestake Co. into the matter at all. I felt that it was fully possible by preaching and teaching union sentiments to induce men to organize and unite with the union, and I have been successful so far to the extent that practically the camp is now organized. I was indeed much surprised when I saw the opposition that was coming from your side, but at that time I was not in position to withdraw, and, in fact, if I had been so inclined it would have been thoroughly impossible for me to undo the work that I had already done. Now, I don't know that there is anything more to say on this occasion. If you have any questions to ask I will be pleased to answer them. I don't know of anything further to say.

Mr. JOREY. Gentlemen, I don't believe that I have anything to add to what has been said by the gentlemen that have preceded me at this time. If any questions are asked later on, I may be able to answer some of them. That is all I have to say at this time.

Mr. CHRISTENSON. Just one little word now. If we can go back and report that little word "yes" the roof will nearly come off that opera house. We have probably 98 per cent of the men who are with us, and they would wish for just such a result and there will be no trouble. There will be a ring of the old anvil and there will be harmony in the camp. I believe the workingman is right in asking to that extent, and I know positively that it will be the greatest joy that this camp has ever seen for that one little word. Another word, if you please. There is no possibility of trouble even though a number of them want it. The friends of the Homestake are into the organization. There are men in there that have been here for years and years, and they are there and will stay there without any question. There is a suspense at this particular time that we must have answered, and we hope that it is in the affirmative.

Mr. GRIER. First, gentlemen, I want to thank you all most heartily for the expressions of personal regard for me that you have made. I feel that they have been sincere, and I hope that I have merited them, and I hope that personally between all of us the same feeling will continue. But in this case the action of the Homestake Mining Co. was neither hurriedly nor unadvisedly taken, and the company is not willing to recede from its position.

Mr. RYAN. Then you refuse to rescind your ultimatum; you refuse to employ a man that is a union man?

Mr. GRIER. I shall have to stand by the notice as published by the company, and signed by me in my official capacity, of course, which you understand. There isn't anybody more sorry than I am. There isn't anything else that I can do.

Mr. CHRISTENSON. In organizing the camp it was never meant that the age of those men who have been in the service such a great length of time—that they would come under this rule; neither men that was physically or mentally unsound would come under the rule.

Mr. GRIER. We don't want any unsound men. We strive with all our might to take care of the men who are incapacitated in the service.

Mr. RYAN. I will state that I don't agree with Mr. Christenson. The union takes in all who are wage earners. Anyone that expresses a desire to join our union we take in whether physically sound or not.

Mr. CHRISTENSON. That is not quite what I intended to say. I intended to say that we don't insist upon them coming in.

Mr. RYAN. I believe Mr. Grier knows that those are really the men we have no trouble with. It is men that is physically sound and well able to bear their share—that are too mean or something. That is the way I take it. The men who will not join us are men like that.

IRWIN EXHIBIT.

Homestake Mining Co. drill report, July 11 to 20, inclusive, 1914.

Level.	Number of drill shifts.			Feet drilled per shift.			Total feet drilled.		
	Big machines.		Stopers.	Big machines.		Stopers.	Big machines.		Stopers.
	In drifts.	In stopes.		In drifts.	In stopes.		In drifts.	In stopes.	
				Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.	Ft. in.
Surface									
100 feet									
200 feet	9			35 11			323 0		
300 feet		1			29 6			29 6	
400 feet		14	8		24 9	8 9		346 3	70 5
500 feet	10	30	23	35 0	19 0	8 11	350 0	569 10	205 5
600 feet	14	46	41	33 0	20 10	13 6	461 0	957 0	554 9
700 feet	10	45	55	26 1	20 3	9 3	260 7	908 11	510 6
800 feet	74	48	24	21 11	18 4	9 4	1,621 9	880 1	223 5
900 feet		24	9		25 2	12 6		604 3	112 6
1,000 feet	32	42		30 7	20 8		978 6	867 6	
1,100 feet	16	4		33 8	19 6		538 9	78 0	
1,250 feet	3	141		29 7	17 1		88 9	2,411 9	
1,400 feet	24	133		33 2	16 11		797 0	2,254 1	
1,550 feet	52	22		23 9	21 3		1,236 0	467 8	
1,700 feet	89	78		27 4	18 11		2,431 8	1,474 6	
	333	628	160	27 3	18 10	10 6	9,087 0	11,849 4	1,677 0

[Lead, S. Dak., Aug. 4, 1914.]

List of living members of Homestake Veterans' Association.

[Positions and date of entering service of Homestake Mining Co.]

Andrews, James, shift boss, 1881.
Batinovich, Jacob, laborer, 1888.
Barrow, John, timberman, 1891.
Bell, Ben W., timberman, 1881.
Berg, Ole K., shaftman, 1881.
Bertolero, William, miner, 1883.
Bernardi, Peter, miner, 1883.
Bertolino, Charles, miner, 1882.
Binney, John R., shift boss, 1886.
Blackstone, Richard, assistant superintendent, 1881.
Blewett, John, assistant mine foreman, 1886.
Beckwith, W. S., millman, 1887.
Callahan, John, oiler, 1879.
Caretto, John, mine shift boss, 1885.
Cavanaugh, J. A., assistant foreman, 1879.
Commiskey, John, oiler, 1876.
Conroy, James, miner, 1879.
Coppo, Peter, laborer, 1883.
Corum, A. J., oiler, 1881.
Curnow, John R., miner, 1882.
Curtis, George W., mill foreman, 1878.
Corrigan, Joseph, millman, 1886.
Cullom, Richard, laborer, 1886.
Cochran, James L., oiler, 1882.
Danielson, Ole, night foreman, 1880.
Dunlop, Richard, mill foreman, 1879.
Dings, W. H., engineer, 1886.
Esterbrooks, George, miner, 1884.
Ferguson, Archie, assistant foreman, 1878.
Flow, E., millman, 1880.
Fraser, Robert, sampler, 1879.
Fraser, Alex, engineer, 1882.
Freeman, J. W., chief surgeon, 1884.
Fry, Ed. E., engineer, 1880.
Foglesong, G. D., chief clerk, 1890.
Fincher, J. L., chief clerk Hearst M. Co., 1892.
Giachetto, Domk, timberman, 1888.
Giachetto, Anton, sr., laborer, 1880.
Goody, Frank, laborer, 1887.
Green, Con, assistant foreman, 1880.
Green, Patrick, laborer, 1880.
Gregory, Thomas, miner, 1886.
Grier, Thomas J., superintendent, 1878.
Grado, Frank, miner, 1884.
Hinton, Jos. E., miner, 1877.
Huntley, Ed. G., assistant foreman, 1883.
Hirbour, Tillis, oiler, 1887.
Irwin, E. F., manager employment department, 1890.
Johnson, Chris, engineer, 1882.
Jelbert, James, miner, 1887.
Klingler, John, engineer, 1885.
Klingler, L. P., engineer, 1883.
Kanola, Erick, timberman, 1890.
Kòmar, Jacob, timberman, 1887.
Kissack, John W., miner, 1878.
Lang, William, foreman foundry, 1880.
Larson, Nels M., night foreman mills, 1879.
Lowry, William, engineer, 1881.

Lindquist, Otto, laborer, 1883.
Lundin, A. H., blacksmith, 1878.
Luparia, Joseph, laborer, 1883.
Lawrence, William, pumpman, 1884.
Mannick, Henry, miner, 1887.
Davis, John A., miner, 1890.
Metler, William D., miner, 1892.
Magnusson, M. L., head carpenter, 1889.
Marr, James, fireman, 1884.
McMakin, W. J., engineer, 1878.
McQuillan, James, mill foreman, 1878.
Morgan, R. R., engineer, 1880.
Murray, Robert, shift boss, 1884.
Mudge, William, miner, 1888.
Murrin, Thomas D., manager Hearst Co., 1879.
Middleton, John, molder, ——.
Moyle, John, blacksmith, 1889.
Mosely, Johnathan, laborer, 1889.
Mullen, H. B., foreman teamsters, 1892.
Nelson, Gus, shift boss, 1890.
Nelson, Axel J., miner, 1883.
Nevins, Thomas, laborer, 1879.
Normandin, Alphonse, carpenter, 1880.
Niva, Abraham, miner, 1884.
Niva, Robert, miner, 1888.
Neary, John, clerk, 1891.
Oberg, Gus, mill foreman, 1885.
Pancoast, Richard, engineer, 1879.
Pinsonnault, Paul, mill foreman, 1880.
Peterson, E. P., mill foreman, 1880.
Peterson, Herman, watchman, 1884.
Peterson, John N., millwright, 1878.
Peterson, Nels, laborer, 1882.
Pelleymounter, John, oiler, 1889.
Rice, William P., miner, 1885.
Robinson, R. O., manager timber department, 1879.
Rogers, W. T., laborer, 1883.
Royce, W. E., timekeeper, 1891.
Rosevear, Alfred, machinist, 1888.
Searle, W. K., molder, 1891.
Shimmin, Ed., miner, 1883.
Shimmin, John, engineer, 1890.
Spargo, John A., master mechanic, 1878.
Steinback, Leander, miner, 1890.
Steele, James, engineer, 1886.
Stepanovich, Nick, timberman, 1888.
Stewart, Alex, machinist, 1885.
Stone, Harry, laborer, 1885.
Syverson, E. L., blacksmith, 1879.
Stephens, W. G., miner, 1878.
Shea, Dennis, blacksmith, 1885.
Tackabury, R. F., freight receiver, 1890.
Teer, J. H., watchman, 1878.
Tessier, Mose, shift boss, 1881.
Trezona, Samuel, shift boss, 1885.
Trezona, William, oiler, 1885.
Turnietto, John, laborer, 1883.
Trengove, W. J., miner, 1882.
Treweek, Nick, sr., shift boss, 1880.
Vickers, Percy, carpenter, 1880.
Voigt, Meno, head blacksmith, 1878.
Waldschmidt, Robert, sr., engineer, 1884.
Walther, J. J., fireman, 1882.
Waugh, William, millman, 1881.
Waters, John, miner, 1883.
Thomas, Henry, laborer, 1892.
Wilkie, James, sr., engineer, 1882.
Zeljadt, E. J., laborer, 1885.

(126 members, 31 officials—24 per cent.)

E. F. IRWIN.

CLOUGH EXHIBIT.

LEAD, S. DAK., *January 1, 1914.*

Mr. T. J. GRIER,
Superintendent Homestake Mining Co.,
Lead, S. Dak.

DEAR SIR: I herewith submit the following report of the hospital department (including Nemo and the hydroelectric plant) for the year 1913.

During the year 14,271 professional calls were made to the homes.

Office calls 32,076, consisting of dressings, examinations, prescriptions, etc.

Confinements taken care of	224
Surgical cases treated in homes and office	959
Surgical cases treated in hospital	150
Total	1,109

Home and office cases as follows:

Fractures:	
Skull vault	2
Lower jaw	2
Malar bone	1
Clavicle	2
Ribs	2
Humerus	4
Radius and ulna	10
Radius	10

Fractures—Continued.	
Phalanges	20
Tibia	3
Tibia and fibula	1
Metatarsals	3
Metacarpals	5
Total	65

Dislocations:	
Elbow	2
Shoulder	1
Patella	2
Total	5
Office operations, etc.:	
Amputation of—	
Fingers	7
Toes	1
Circumcisions	26
Burns	4
Abscesses opened	41
Cysts removed—	
Hand	3
Scalp	1
Office operations, etc.—Continued.	
Cysts removed—Continued.	
Eyelids	2
Face	4
Neck	2
Papilloma of leg	1
Tonsils and adenoids	41
Turbinates removed	4
Hydrocele tapped	5
Corneal wounds	115
Paracentesis of eardrum	1
Polypus of nose	1
Mastoiditis	1
Lacerated, contused, and punctured wounds	729
Grand total	959

Hospital report.

During the year we have treated in the hospital—

Medical cases from 1912	2
Medical cases in 1913	45
Surgical cases from 1912	4
Surgical cases in 1913	146
Total	197
Total number of days in hospital	2,935
Average number of—	
Patients per month	16.4
Patients per day	8.04
Days in hospital per patient	14.9

MEDICAL CASES.

Abortion	1
Arteriosclerosis	1
Alcoholism	3
Appendicitis	1
Confinements	2
Cellulitis, pelvic	1
Carcinoma of—	
Stomach	1
Uterus	1
Colic, intestinal	2
Cholecystitis	1
Enteritis	2
Gastritis	3
Gastric stasis	1
Gangrene of lung	1
Iritis	1
Insanity (alcoholic)	1
Myocarditis	1
Nephritis (Bright's)	2
Observation	3
Pneumonia	5
Rheumatism:	
Lumbago	2
Acute	3
Tonsillitis	1
Salpingitis	1
Typhoid fever	1
Tuberculosis:	
Glands of neck	1
Lungs	2
Total	45

SURGICAL CASES.

Fractures:	
Skull, base	2
Skull, vault trephined	2
Malar bone	1
Lower jaw	1
Lower jaw, compound, comminuted, wired	1
Clavicle	1
Humerus	2
Ribs	1
Femur, simple	1
Femur, bone plated	1
Tibia and fibula	2
Compound plated	1
Compound	1
Compound comminuted	2
Metatarsal	1
Total	20
Dislocations, shoulder	1
Burns, skin grafted	1
Concussion of brain	1
Corneal ulcer, traumatic	5
Eyeball, traumatic injury	1
Surgical operations:	
Abscesses—	
Pelvic	1
Labial	1
Ischiorectal	1
Boil	1
Appendicitis	23
Appendicitis removed secondarily	6
Curetments for endometritis	4
Curetments for abortions	10
Circumcisions	2
Cornea, punctured wound, steel	1
Cholecystitis	1
Eyeball eneucleated	1
Adenoma of breast	1

Surgical operations—Continued.	
Ectopic pregnancy ruptured	1
Ectopic pregnancy	1
Empyema	1
Gunshot wound of—	
Head	1
Eye and temple	1
Foot	1
Gall stones	3
Goitre	2
Hemorrhoids and fistula	1
Skin grafting	4
Hernia—	
Single	9
Double	4
With undescended testicle	1
Infections, fingers and toes	6
Ingrowing toenails	1
Laparotomy:	
For tubes and ovaries	6
Exploratory	2
For fecal fistula	1
For perforating gastric ulcer	1
For intestinal obstruction	1
For uterine suspension	5
Osteomyelitis	1
Recto-vaginal fistula	1
Symblepharon	1
Chalazion	1
Ganglia of wrist	1
Exostosis of big toe	1
Sesamoid bones of big toe	1
Old fracture of femur nailed	1
Bone plate of tibia for fracture	1
Tonsils and adenoids	2
Wounds, contused, lacerated, etc	16
Deaths:	
Pulmonary embolism	1
Bright's disease	1
Tubercular peritonitis, fecal fistula	1
Gunshot wound, suicide	1
Injuries	3
Pneumonia	1
Gangrene of lung	1
Intestinal obstruction	1
Hemorrhage of lungs (tubercular)	1
Gall stones and miscarriage	1
Total	12
Laboratory:	
Urinalyses	1,130
Blood examinations	52
Sputum examinations	72
Feces examinations	2
Milk examinations	4
Cultures examinations	133
Blood pressures taken	550
Total	1,943
Employees' aid fund:	
Medical	284
Injuries	821

Respectfully submitted.

J. W. FREEMAN.
F. E. CLOUGH.

HOWARD EXHIBIT NO. 2.

CITY OF LEAD (PRONOUNCED "LEED"), COUNTY OF LAWRENCE, STATE OF SOUTH DAKOTA.

(Date of charter, 1890; area, 733.14 acres; population, 1910, 8,392; estimated, 1913, 9,000.)

Mayor, H. L. Howard. Term expires May 1, 1917.
Commissioner of public property, police, and fire, A. D. Ferguson. Term expires May 1, 1914.
Commissioner of waterworks and sewers, J. W. Curran. Term expires May 1, 1916.
Judge of municipal court, John H. Rogers. Term expires May 1, 1915.
Auditor, J. William Stoner.
Chief financial officer, treasurer Joseph F. Peters.
Superintendent of public instruction, Theodore Saam.
Secretary of board of education, Carrie M. Voigt.
City engineer, Lucian D. Lea.
Chief of police, Joseph Keffeler.
Chief engineer of fire department, John B. Mayo.

Health officer, Dr. J. W. Freeman.

Public utilities, owned by private companies—water, light, and power, gas. Number of miles of gas mains or conduits, 10. Rate per 1,000 feet, $1.60 for manufactured gas.

Waterworks: Owned by private company. Capacity, 10,000,000 gallons per 24 hours. Miles of service-pipe lines, 13. Miles of intake-pipe lines, 8.8. Miles of transmission-pipe lines, 9.8. Pressure at fire hydrants, 27 to 135 pounds per square inch.

Electric-light plant: Owned by private company. Miles of overhead circuits, 120. Miles of underground circuits, 1. Number of arc lamps, 12. Cost per lamp, $120, including renewals and maintenance per year. Number of incandescent lamps, 92. Cost per lamp, $36, including renewals and maintenance per year. Number of clusters, 62. Cost per cluster, $52, including renewals and maintenance per year.

Number of miles of sewerage conduits, property of city, 11.

Miles of streets, avenues, and thoroughfares unimproved, 12.

Miles of streets, avenues, and thoroughfares improved with brick, concrete base, 1.

Miles of streets, avenues, and thoroughfares improved with water-bound macadam, 2.

Miles of streets, avenues, and thoroughfares improved with Tarvia macadam, ¼.

Miles of streets, avenues and thoroughfares sprinkled by water, 1.

Building permits issued last fiscal year. No record prior to May 1, 1913.

Total cost of construction. No record prior to May 1, 1913.

Miles of trolley lines within the corporate limits, 1½; single track, all.

Number of parks, 1; area in acres, 12,634; municipally owned.

Fire department: Number of officers, 2. Number of employees, 19. Equipment: Three horse-drawn combination hose and chemical wagons and one horse-drawn ladder truck.

Police department: Number of officers, 2; patrolmen, 3.

Number of public schools, 8. Expenses for maintenance fiscal year just past, $59,960.04. Public school enrollment, 1,508. Cost per pupil average daily attendance, $50.98. Average daily attendance, 1,177. Cost per pupil on total enrollment, $39.68.

Number of private schools, 1.

General items that make up the expense for maintenance: First, expense of general control; second, expense of instruction; third, expense of operation; fourth, expense of maintenance of school plant; fifth, expense library; sixth, miscellaneous.

Estimated area of vacant land for industrial purposes, 250 acres; estimated area of vacant land for residential purposes, 100 acres.

TRIAL BALANCE, MARCH 1, 1914.

ASSETS.

Fixed assets:	
Real estate	$47,960.00
Public works and improvements	132,550.43
Equipment	25,940.50
Current assets:	
Cash	3,814.44
Accounts receivable	144.45
Supplies	1,505.20
Sinking fund assets:	
Cash	763.22
Investments	4,000.00
Tax levy, 1913	61,927.97
Special assessment accounts	1,797.91
Total assets	280,404.12

LIABILITIES.

Bonded debt:	
Public utilities	$42,000.00
General	2,000.00
Accounts payable	30,507.67
Trust and special funds	4,965.31
Total liabilities	79,472.98
Assets in excess of liabilities	200,921.14

STATEMENT OF INDEBTEDNESS.

Bonded debt, Mar. 1, 1914	$44,000.00
Less cash in sinking fund, Mar. 1, 1914	4,763.22
Net bonded indebtedness	39,236.78

Bonded debt is made up as follows:

Title.	Rate.	Maturity.	Amount.
	Per cent.		
Sewer	7	1921	$17,000.00
City Hall	6	1932	25,000.00
Internal improvement	6	1920	2,000.00
Total			44,000.00

The city has no floating debt.
Fiscal-year appropriation equals authorized expenditures.
Total indebtedness, $44,000.
Estimated population, 9,000.
Per capita indebtedness, $3.88.

ASSESSED VALUATION, 1913.

Real estate	$6,718,765
Railroad and telephones	694,995
Personal property	1,433,094
Total	8,846,854
	Mills.
State tax	1
County tax	4
Special road and bridge	1
City tax	7
School tax	4
Total	17

For each $100 of taxes collected in the city in 1913 there was spent as follows:

For State	$5.88
For county	29.41
For city	41.18
For schools	23.53
	100.00

Legality of bond issue passed upon by Chambers Keller; address, Lead, S. Dak.
Work of present year: Completion of municipal building; installation of paid fire department; extension of improved streets, walks, and sewers.

NORTHAM EXHIBIT NO. 1.

HOMESTAKE MINING CO. EMPLOYMENT OFFICE.

Monthly report of nationalities of employees in guard-service department for the month of July, 1914:

Americans	14	Polanders	
Austrians		Russians	
Belgians		Scotchmen	
Bohemians		Servians	
Bulgarians		Spaniards	
Canadians		Swedes	1
Danes		Swiss	
Englishmen	1	Turks	
Finlanders		Welshmen	
Frenchmen			
Germans			
Greeks			
Hollanders			
Irishmen	2		
Italians	1		
Mexicans			
Norwegians		Total	19

G. A. NORTHAM,
Head of Guard Service.

Send reports to employment office not later than the last day of each month.
Total number must agree with the number of men working.
Class all those born in the United States as Americans regardless of nationality of parents.

NORTHAM EXHIBIT NO. 2.

COST OF GUARD SERVICE DURING MONTH OF JUNE, 1914.

Reservoir	$90.00	Slimes	$90.00
Ellison hoist	90.00	House, call office, and barn	321.75
B. & M. hoist	90.00	Specials	99.00
Golden Star hoist	84.00	Hidden Fortune hoist	60.00
Golden Prospect hoist	180.00	Hidden Fortune mill	39.00
Pocahontas and Monroe mill yards	90.00	Morning Glory coal chute	33.00
		Night captain	120.00
Tunnel	90.00		
Cyanide No. 1	90.00	Total	1,656.75
Cyanide No. 2	90.00		

KELLER EXHIBIT NO. 1.

In the Circuit Court of the United States, Eighth Judicial Circuit, within and for the District of South Dakota, Western Division.

COMPLAINT.

HOMESTAKE MINING CO., A CORPORATION, PLAINTIFF, *v.* THE LEAD CITY MINERS' UNION, A CORPORATION, DEFENDANT.

Said plaintiff complains of said defendant and for cause of action alleges:
(1) That said plaintiff is, and was at the times hereinafter mentioned, a corporation organized and existing under and by virtue of the laws of the State of California, and owning property and transacting business in the State of South Dakota. That said defendant was at all of said times, and now is, a corporation organized and existing under and by virtue of the laws of the State of South Dakota, and having its principal business in the city of Lead, S. Dak.

(2) Said plaintiff is the owner of certain mines and mining claims located in the city of Lead, in Lawrence County, S. Dak., and of a number of mills, hoists, and plants used and employed by the plaintiff in the mining, extraction, treatment, and reduction of minerals, metals, and ores, and is now engaged in the business of mining, extracting, manufacturing, treatment, and reduction of metals, minerals, and ores in said city of Lead, S. Dak. That in the conduct of its business plaintiff employs about 2,500 employees. That a large number of plaintiff's employees are employed in underground work at various depths beneath the surface in the prosecution of the business of mining and hoisting to the surface the ores from the plaintiff's mines. That a large number of men are engaged in the operation and management of the machinery used in hoisting ores from beneath the surface to the surface, and in lowering the men from the surface to the different levels beneath the surface, and in hoisting the men from their respective places of work in the mines. That an extensive and varied character of machinery is employed by the plaintiff upon the surface in the operation of the various mills and reduction plants of plaintiff, and in the various hoisting works, and in the development of steam and electrical power for use and transmission throughout the mines and works of plaintiff, and in the operation of underground railways for the transportation of ores, and in divers other operations of the plaintiff, both upon and beneath the surface, and that in all of said employments a high degree of skill, care, and attention is required of plaintiff's employees.

(3) That said defendant is a corporation whose members are composed of the various employees of the plaintiff, and that the object and purposes of said defendant corporation are to combine and unite the various members thereof in an association so as to act as an organized body in all matters connected with their said organization. That for more than a qurter of a century the plaintiff has employed, without discrimination, members of the said defendant and of other labor organizations and unions, and also persons who were not members of the defendant or of any other union or labor organization.

(4) That said defendant, on or about the 11th day of October, 1909, at a mass meeting of the members of said defendant held in the said city of Lead, S. Dak., passed and adopted a resolution, a copy of which is hereto annexed to this complaint, marked "Exhibit A," and which is hereby made a part of this complaint as though fully incorporated herein at length. At the same time the said defendant, at said mass meeting, selected and appointed divers and sundry bodies of men, styled and called by said defendant "committees," for the purpose of visiting each level of the plaintiff's mines, and each portion of plaintiff's surface plants, and ascertaining the names of all nonunion men, and for the purpose of intimidating and threatening all of plaintiff's employees who were not union men, i. e., not members of the defendant or of some similar labor organization or union, and of compelling all such employees of plaintiff to become forthwith such union men, or to frce and compel such emplyees, by intimidation and threats of great bodily harm and of life, to leave the employment of plaintiff, and that said various committees were authorized and instructed to give such nonunion men until October 24, 1909, within which to become members of the defendant or of some similtr union or labor organization. That thereafter, on said October 24, 1909, at a mass meeting of the members of said defendant, the said defendant passed and adopted a resolution, a copy of which is annexed to this complaint and marked "Exhibit B," and which is hereby made a part of this complaint as though fully herein incorporated at length. Plaintiff alleges that after the passage of said resolution of October 11, 1909, the said defendant has from time to time and upon sundry and different occasions and times, acting through said bodies of men styled and called "committees," wrongfully and unlawfully and by stealth, entered upon different portions of the mines, works, and plants of plaintiff, both upon and beneath the surface, and upon different levels of the plaintiff's mines, and has wrongfully and unlawfully endeavored, by the use of threats and intimidations, to force and compel the employees of plaintiff who were not members of said defendant or some similar labor union, to become members of said defendant, and has threatened the said employees of plaintiff with great bodily harm and with the loss of life if such employees should refuse to become members of said defendant, and has in said manner and by said means upon sundry and divers occasions, and in all portions of the plaintiff's mines and works, both surface and underground, so terrified and intimidated such employees of plaintiff as to prevent them from performing the labors and duties of their respective positions, thereby depriving plaintiff of the value of their respective services and the

value of the services of numerous other employees whose labors and duties were such that they could not be properly and efficiently performed without the continuous, diligent, and attentive performance of the labors and duties of the said employees of plaintiff so threatened and intimidated, and has greatly lessened and impaired the efficiency and value of the services and labors of numerous of plaintiff's employees in various departments, all to plaintiff's damage in the sum of ten thousand dollars ($10,000).

Wherefore plaintiff prays judgment against the said defendant for the sum of ten thousand dollars ($10,000), together with costs of this action.

CHAMBERS KELLER, *Plaintiff's Attorney.*

STATE OF SOUTH DAKOTA, *County of Lawrence, ss:*

Thomas J. Grier, being first duly sworn, deposes and says that he is the superintendent and general manager of the Homestake Mining Co., plaintiff in the above-entitled action; that he has read the foregoing complaint, knows the contents thereof, and that the same is true of his own knowledge, except as to matters therein stated upon information and belief, and as to such matters he believes them to be true.

THOMAS J. GRIER.

Subscribed and sworn to before me, this 10 day of November, 1909.

[SEAL.] BLANCHE COLMAN, *Notary Public.*

EXHIBIT A.

Whereas, owing to the efforts of the Lead City Miners' Union No. 2, W. F. M., acting in conjunction with Central City Miners' Union No. 3, W. F. M., certain improvements and betterment of conditions obtained to all men employed in and around the various mines, mills, and surface work within the jurisdiction of the said unions, among which may be noted the establishment and maintenance of the 8-hour workday at the same scale of wages which formerly prevailed when 10 or 12 hours' labor was required from each employee for a shift's work; and

Whereas the policy of these unions has ever been lenient in the extreme, inviting all honorable miners, millmen, mechanics, and other laborers connected with the mining and milling industry to join and affiliate with them in their respective unions, for the purpose of maintaining the same in a position of strength and efficiency and in order that all might be entitled to full and equal participation in all benefits and benefactions accruing from membership in such union; and

Whereas it now appears that on account of such liberal policy on our part there are at this time a large number of men employed within our jurisdiction who have neglected to unite with our organization and many who have fallen in arrears to the extent of severing their connection with our union, and many others who are avowed enemies of unionism—scabs and spies and strike breakers—among whom and with whom we can not as self-respecting union men long continue to labor or associate with: Therefore be it

Resolved, That we demand of all ex-members who are now in arrears that they shall at once reinstate and place themselves in good standing in our union, and that we demand and require all eligible men who are employed within our jurisdiction to at once obtain cards certifying their membership in the proper local of the Western Federation of Miners.

Resolved, That any and all men within our jurisdiction who shall see fit to neglect or to ignore these just demands and requirements shall be dealt with in the near future accordingly as we may determine to act in each of their respective cases. And be it further

Resolved, That a full and sufficient number of these resolutions be ordered printed and posted in conspicuous public places and be distributed thoroughly throughout our jurisdiction, and that such public notices be printed in several different languages, viz, Croation, Finnish, Italian, and English.

EXHIBIT B.

Notice: At a mass meeting of the members of Western Federation of Miners, held at Lead Miners' Union Opera House on Sunday afternoon, Oct. 24, the following resolutions were adopted by a unanimous vote:

Whereas a resolution adopted on Oct. 10, calling upon all workers in the jurisdiction to join the W. F. of M., has been quite generally complied with: Therefore be it

Resolved, By us, the members of the Lead City Miners' Union No. 2, W. F. of M., and Central City Miners' Union No. 3, W. F. of M., in joint session assembled, that all men neglecting or refusing to become members in good standing of the local in whose jurisdiction they may be working, on or before November 25, 1909, will be declared unfair to the W. F. of M. And be it further

Resolved, That we, the members of the aforesaid unions, refuse to work with any and all men who become unfair to our organization by or through refusing to comply with the provisions of this resolution.

LEAD CITY MINERS' UNION No. 2, W. F. OF M.
CENTRAL CITY MINERS' UNION No. 3, W. F. OF M.

KELLER EXHIBIT NO. 2.

In the Circuit Court of the United States, Eighth Judicial Circuit, within and for the District of South Dakota, Western Division.

DEMURRER.

HOMESTAKE MINING CO. (A CORPORATION), PLAINTIFF, *v.* THE LEAD CITY MINERS' UNION (A CORPORATION), DEFENDANT.

Comes the defendant above named and demurs to the complaint filed in the above-styled cause, and as grounds of demurrer defendant alleges:

First, that said complaint does not state or set forth facts sufficient to constitute a cause of action against defendant.

Second, that said complaint does not show, or state facts showing, that the plaintiff is entitled to any relief against this defendant.

Third, that said complaint shows on its face that the plaintiff has no cause of action against defendant.

Fourth, that said complaint shows on its face that this court has no jurisdiction of the alleged cause of action set forth, or attempted to be set forth, in said complaint.

ROBERT C. HAYES,
RICHARDSON & HAWKINS,
Attorneys for Defendant.

KELLER EXHIBIT NO. 3.

This indenture, made and entered into this 1st day of March, 1892, by and between the Homestake Mining Co., a corporation organized under the laws of the State of California, and transacting business in Lawrence County, S. Dak.; James B. Haggin, of San Francisco, Cal.; Thomas J. Grier, of Lawrence County, S. Dak.; James Milliken, of Bellefonte, Pa., parties of the first part, and Cyrus H. Enos, Peter A. Gushurst, and Ernest May, all of Lead City, State of South Dakota, acting as trustees for and on behalf of the several occupants of the surface ground, situated within the boundaries and area of the Lead City town site as entered in the United States land office at Rapid City, parties of the second part:

Witnesseth, that said parties of the first part, in consideration of $1 to them in hand paid and other good and sufficient consideration, have and by these presents do convey and quitclaim unto the said parties of the second part, in their capacities as trustees, as aforesaid, subject to the conditions hereinafter expressed, the right to the surface occupancy of all the following described lots, pieces of lots, and parcels of ground situated within the boundary of said Lead City town-site entry, to wit:

Lots 49, 50, 51, the northerly 52 feet of lot 52½. Lots 53, 54, 55, and 56, block 9, in Lead City. All that part of lot 80 in block 11 which is situated on the Elephant Lode claim, Lead City. Lots 33, 35, 36, 37, 38, 39, 40, and 41, in block 5, Lead City. Lots 41 to 48, inclusive, in block 6, Lead City. Lots 17 to 24, inclusive, in block 3, Lead City. Lots 25 to 32, inclusive, in block 4, Lead City. Lots 1 to 10, inclusive, in block 7, South Lead. Lots 1 to 10, inclusive, in block 1, South Lead. Lots 9 to 16, inclusive, block 2, Lead City. Lots 1 to 8, inclusive, block 1, Lead City. Lots 65 to 72, inclusive, block 7, Lead City. Lots 73, 74, 75, 300, 301, 302, 303, 304, 305, 306, and 307, in block

10, Lead City. Lots 1 to 7, inclusive, in block platted and known as Robbins Row, South Lead. Lots 1 to 11, inclusive, in block D, South Lead. Lots 1, 2, and 10, the easterly 58 feet of lot 3. Lots 4, 5, 6, and the westerly 72 feet of lot 8 and lot 9, except so much thereof as is used and occupied for an alley or street, which is 12 feet wide, and extending from Bleeker Street easterly the whole length of said lot. It being intended to except out of lots 8, 9, and 3 the alleyway aforesaid and a piece of ground in the rear of said lots 8, 9, and 3, 48 feet by 70 feet, known as the Golden Star No. 2 shaft, lot and premises, all in block 2, South Lead. Lots 1 to 10, inclusive, block 6, South Lead. Lots 1 to 10, inclusive, block 3, South Lead. Lots 1 to 10, inclusive, block 5, South Lead. All those portions of lots 1 to 11, inclusive, Homestake Boulevard, which are now occupied by townsite claimants. Lots 1 to 5, inclusive, Church Place, Lead City. The premises known as the Swartout Place, Lead City. Lots 1 to 12, inclusive, Lower Main Street block, Lead City. Lots 1 to 9, inclusive, in block 1, Washington. Also lots 2 to 8, inclusive, in what is known as the Tuttle Place, Washington. Also lots 1 to 8 and 11 to 20, inclusive, in block 2, Washington. Also lots 2 to 9, inclusive, and lots 11, 12, and 13, in block 4, Washington. All those portions of the Elephant and Gordon lode claims lying along the north line of said townsite entry, within the said townsite-entry limits, which are now occupied by townsite settlers, except such portions of said claims as are included within the right of way of the Black Hills & Fort Pierre Railroad Co., which right-of-way portions are excluded from this indenture. That portion of what is described on the plat as the Billing's place, which is now occupied by dwellings or townsite settlers. All that portion of block 25, Lead City, except lots designated on the plat as E, F, G, and H. The whole of block A, in Lead City. The west 100 feet of lots 1, 2, 3, and 4, making those lots 50 by 100 feet. And all of lots 5 and 6, in block B, Lead City. So much of the Costello mill site as is now occupied for business purposes by Mrs. Phebe A. Hearst in connection with the Brick Store business. Lots 60, 63, and 64, block 8, Lead City. Lots 4, 5, and 6, block 19, Lead City, and Lead City district school grounds, Lead City. Lots 1 to 11, inclusive, in block 21, Lead City. Lots 84, 85, 86, 88, 89, and 90, block 12, Lead City. Lots 1 to 9, inclusive, block 20, Lead City. Lots 99, 100, 101, 103, 104, on Givin mill site. Lots 1 to 20, inclusive, block H, South Lead. Lots 1 to 4, inclusive, block K, South Lead. Lots 1 to 5, inclusive, block N, South Lead. Lots 1 to 10, inclusive, block M, South Lead. Out lot Y, South Lead. Lots 1 to 10, inclusive, block 4, South Lead. Out lot T, South Lead. Out lot R, South Lead. Out lot S, South Lead. Lots 7 to 11, inclusive, block B, South Lead. Lots 1 to 10, inclusive, block A, South Lead. Smith & Pringle & Co.'s mill site, Lead City. The foregoing descriptions are according to the plat of said town-site entry known as Hopkin's map.

To have and to hold unto the said party of the second part, their successors and assigns forever. This conveyance is to extend to the said trustees, the parties of the second part, their successors or assigns, with authority to convey the same to the beneficiaries of said trust, their assigns or successors in interest. This indenture and all conveyances by the said parties of the second part, trustee, as aforesaid, is and shall be subject to the following conditions and reservations: The said parties of the first part, and either of them, their successors, heirs, or assigns, and either of them, according to their respective ownership, shall have and continue to possess the right to mine underneath said surface and to use it for all such underground mining purposes by running drifts, tunnels, stopes, excavations of ore, or other material mining operations, including the sinking of shafts from the surface for actual mining purposes in good faith, such privilege and reservation to be exercised whenever and from time to time in the discretion of the said parties of the first part, or either of them, their successors, heirs, or assigns, or either of them, they may choose so to do, in order only to extract the ores therein for the purpose of reducing and milling them to obtain the gold and other metals therefrom; and in the course of such workings whenever it becomes important or necessary in the exercise of good faith on the part of said parties of the first part, or either of them, their successors, heirs, or assigns, or either of them, to come to the surface or so near the surface as to endanger the surface occupancy in mining or extracting the ore bodies, or in necessary air shafts to enable such work to proceed, they shall have the privilege of doing so; and in such case the said parties of the first part, or either of them, their successors, heirs, or assigns, or either of them, shall give to the particular occupant or occupants of the surface ground which is thus necessary to the working of the ore body under-

neath not less than 60 days' notice of the intention to come to the surface or so near the surface as to endanger the structures on the surface, and thereupon within 90 days from such notice said party or parties shall remove the structures from said surface ground, or so much thereof as shall be thus endangered; and in case of a neglect to thus remove such structures within the period aforesaid the mine owners may themselves remove such structures, or regard them as abandoned, and shall not be liable for any damage which may occur to the owner or occupant of such structures. Such notice shall be given personally to the owner of such structures if he can be found within the State by the exercise of due diligence; if not, then notice shall be given to the person in actual possession and occupancy as a tenant or otherwise if he can be found within the State by the exercise of reasonable diligence; otherwise by posting notice upon the structure thereon, which posting shall be sufficient service thereof. The shafts spoken of herein are to be sunk only in such portions of any of the lots or grounds thus quitclaimed as are not occupied or covered by valuable structures and in such place in any lot or parcel of ground as shall result in the least damage to the owner or occupant.

By this indenture it is not intended to dedicate to the public any of the streets or alleys in said town-site area except the surface use thereof subject to the same rights and reservations as herein set forth relating to the occupied lots and parcels of ground, with this modification, that notice to be given of any excavation which is to come to the surface or so near the surface as to endanger the surface occupancy of such surface as a street or alley, shall be given to the mayor or head official of the city of Lead.

The said parties of the second part, the said trustees, may at their option reconvey to the then owner or owners of the mineral claim on which any lot or parcel or parcels of ground may be situated all the right and title which they may acquire by this indenture discharged of the trust therein imposed.

In witness whereof the said parties of the first part have hereunto set their hands and caused these presents to be executed the day and year first aforesaid.

JAMES B. HAGGIN.
JAMES MILLIKEN.
THOMAS J. GRIER.
HOMESTAKE MINING CO.,
By LOUIS T. HAGGIN,
President Homestake Mining Co.
HOMESTAKE MINING CO.,
By IRWIN C. STUMP,
Secretary Homestake Mining Co.

(Duly and severally acknowledged by each of the foregoing.)

SMITH EXHIBIT NO. 1.

LEAD, S. DAK., *August 4, 1914.*

COMMISSION ON INDUSTRIAL RELATIONS.

GENTLEMEN: I wish to reply to a statement of Mr. Grier's testimony given on the stand to-day after mine. In regard to the prices I charge for embalming, I wish to state that I did not charge $50 for embalming any of the employees of the Homestake Mining Co. for many years except in one single case. This was a nephew of Mrs. Phebe A. Hearst, who we embalmed to ship to California. She being very wealthy, I charged the full price that was charged by other undertakers in this section at that time. In most of the cases, where they had limited means, I did not charge anything for such work. The average price I charge for embalming will not amount to $10.

Respectfully,

S. R. SMITH.

MINING CONDITIONS AND INDUSTRIAL RELATIONS AT BUTTE, MONT.

(For exhibits under this subject see pages 3867 to 4095.)

COMMISSION ON INDUSTRIAL RELATIONS.

BUTTE, MONT., *Thursday, August 6, 1914—10 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, O'Connell, and Lennon.

Acting Chairman COMMONS. The commission will come to order.

I wish to state to the witnesses and others that members of the commission who expected to be here have been unavoidably kept away. One of the commissioners has been appointed to another public position which, I presume, keeps him from attending; another one has been hit by the war in Europe—two others have been hit by the war in Europe—and consequently there are only four members of the commission present. The counsel of the commission also has been affected by the conditions in Europe and is not able to be present. The chairman of the commission has also been detained. The result is that the members here have chosen me to act as chairman and as counsel.

Regarding the kind of information which this commission desires to secure, I ought to say in advance that we are acting under an act of Congress requiring us to investigate the underlying causes of unrest and to make recommendations as to what Congress or other legislative bodies should do under the circumstances. We are not appointed as a board of mediation or arbitration or with the purpose of settling any troubles or disputes; our object is to make recommendations which in the future may allay unrest. Furthermore, our field does not permit us to enter into any personalities or individual controversies that may arise.

For this reason it seems to those of the commission who are present that we should not enter into any of the events which have occurred since the 13th of June; and we shall not take up any of those later events which do not seem to come under the mandate which we have in our investigation.

Is there anything further?

Commissioner LENNON. No.

Acting Chairman COMMONS. The first witness is Mr. Kelley, C. F. Kelley. Will you kindly take the chair?

TESTIMONY OF MR. C. F. KELLEY.

Acting Chairman COMMONS. I should explain that none of the witnesses will be placed under oath. While we have that authority, our purpose is more fundamental than to settle any particular situation, but rather to get all of the information and assistance which we can from the gentlemen who are kind enough to appear before us in fulfilling the law which we are appointed to carry out.

Mr. Kelley, will you give your name and address?

Mr. KELLEY. My name is C. F. Kelley.

Acting Chairman COMMONS. And your position or address—your address.

Mr. KELLEY. My address is Butte, Mont. By profession I am an attorney. My chief occupation is vice president and managing director of the Anaconda Copper Mining Co.

Acting Chairman COMMONS. Will you state the relation between the Anaconda and the Amalgamated?

Mr. KELLEY. The Amalgamated Copper Co. is a holding concern, organized under the laws of the State of New Jersey and owning a large proportion, or percentage, of the capital stock of the Anaconda Copper Mining Co.

Acting Chairman COMMONS. Does it own the stock of other corporations?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. In this State?

Mr. KELLEY. I know of none in this State; no, sir.

Acting Chairman COMMONS. What property does the Anaconda include?

Mr. KELLEY. The Anaconda properties are chiefly the mining properties in and about the city of Butte; the smelting and reduction works at Anaconda, about 26 miles distant; a smelting and reduction works and refinery at Great Falls, about 170 miles distant; sawmills located at Bonner, Hamilton, and St. Regis within the State of Montana; coal properties located at Washo and Lockree within the State of Montana; coal mining properties and sawmills located without the State of Montana; and stock of various small subsidiary corporations.

Acting Chairman COMMONS. These different properties you mentioned, are they owned directly by the Anaconda or through the holding of stock?

Mr. KELLEY. The main important properties are owned directly by the Anaconda; some of the departments you might call them that are incidental to the main properties of the company have, for the purpose of convenience, been placed in subsidiary companies, the stock of which are owned by the Anaconda Co.

Acting Chairman COMMONS. They were organized by the Anaconda Co.?

Mr. KELLEY. I think so; yes, sir.

Acting Chairman COMMONS. What, for example?

Mr. KELLEY. We have a number of small corporations; for instance, the Mines Timber Co.—that is a small concern, comparatively small—that operates in the woods for the purpose of furnishing stulls to the mines. That business is of such character that it can be carried on very advantageously by a small corporation without passing its business through the main corporate concern. We operate that as an independent concern. Also the Mill Creek Fluming Works, a similar concern; Deer Lodge Valley Farming Co., a farming concern; the Black Foot Land Development Co., which has been organized to handle cut-over or logged-over land of the company. So on I might enumerate additional small concerns, but that is the general character of the business that is done by them. The main business of the Anaconda Co. is conducted directly by the company, and the main properties of the company, the physical title to them, is vested in the concern itself.

Acting Chairman COMMONS. Could you state the capitalization of the Amalgamated company, the holding company?

Mr. KELLEY. The capitalization of the Amalgamated is $150,000,000, divided into shares of the par value of $100 each.

Acting Chairman COMMONS. What is its bonded indebtedness?

Mr. KELLEY. It has no bonded indebtedness.

Acting Chairman COMMONS. It has no bonded indebtedness?

Mr. KELLEY. No, sir.

Acting Chairman COMMONS. It is strictly a holding company?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Where are the offices of the Amalgamated?

Mr. KELLEY. At 42 Broad Street, New York City, the principal office.

Acting Chairman COMMONS. Who are the officers—president, treasurer, and directors?

Mr. KELLEY. Mr. John D. Ryan is president of the company. I don't know that I could give you the full board. Mr. A. H. Melin, I think, is treasurer. I should be very glad to submit a list of them, if you wish.

Acting Chairman COMMONS. Will you kindly do so?

Mr. KELLEY. Yes, sir.

(The following list was later submitted:)

Officers and directors of the Amalgamated Copper Co.: President, John D. Ryan; secretary and treasurer, A. H. Melin; directors, John D. Ryan, William G. Rockefeller, Benjamin B. Thayer, William Rockefeller, J. Horace Harding, H. H. Rogers, A. C. Burrage, and Charles N. King.

Acting Chairman COMMONS. Who are the principal stockholders of the Amalgamated?

Mr. KELLEY. That I do not know. The stock is very widely distributed; it is held practically all over the world—that is, investment world.

Acting Chairman COMMONS. What proportion of the stock of the Anaconda has the Amalgamated?

Mr. KELLEY. Roughly, about 75 per cent.

Acting Chairman COMMONS. What is the capitalization of the Anaconda?

Mr. KELLEY. The authorized capital of the Anaconda is $150,000,000, divided into 6,000,000 shares of the par value of $25; the issued capital is, I think, about 4,600,000 shares.

Acting Chairman COMMONS. In what way is the Anaconda controlled in its management by the Amalgamated?

Mr. KELLEY. I should say that the Anaconda is not directly controlled by the Amalgamated. The Amalgamated as the largest shareholder in the Anaconda is represented on the board of directors of the Anaconda, and through a community of interest there is rather a cooperative control than any direct or actual control.

Acting Chairman COMMONS. Who are president and officers of the Anaconda?

Mr. KELLEY. Mr. B. B. Thayer is president, I am vice president, and Mr. Melin is secretary and treasurer.

Acting Chairman COMMONS. Where are the offices of the Anaconda?

Mr. KELLEY. At 42 Broadway, New York City.

Acting Chairman COMMONS. Can you give the valuation, both the assessed and true values of the properties held by the Anaconda Co.?

Mr. KELLEY. I can give you the assessed valuation of the properties. I do not know that I understand exactly what you mean by the true valuation.

Acting Chairman COMMONS. The market value.

Mr. KELLEY. That would be impossible for any man to give, because, particularly in the case of mining property and particularly where the mining property is of such a character and extent as that owned by the Anaconda Co., the valuation that might be placed upon it must necessarily be very largely a matter of opinion, must also be in the absence of complete development—which is entirely impossible—a matter of speculation to some extent; and it would be a matter of—merely a matter of opinion, and I am very frank to say to you that concerning its actual value in dollars and cents I have, and I think no man has any opinion—definite opinion as to the exact amount of money that is represented by these properties.

Acting Chairman COMMONS. Are the stocks of Anaconda listed on any exchange?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. New York?

Mr. KELLEY. The stock of the Anaconda Co. is listed on the New York Stock Exchange.

Acting Chairman COMMONS. Also the stock of the Amalgamated?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Well, if you will continue, then, with the assessed valuation.

Mr. KELLEY. I presume you are inquiring [producing papers]——

Acting Chairman COMMONS. Will you kindly submit it as an exhibit?

Mr. KELLEY. Yes, sir. I suppose you are referring to last year, 1913.

Acting Chairman COMMONS. The last full fiscal year, completed fiscal year.

Mr. KELLEY. You understand, Mr. Chairman, that in this State the year is not the same for the payment of the different kinds of taxes. Our assessment is made up as the first Monday in March of each year, but we pay on the net proceeds of mines from the first Monday in June to the first Monday in June.

I would like to make a word of explanation in that connection.

Acting Chairman COMMONS. Yes.

Mr. KELLEY. Under the Montana law all property, except mines, are assessed upon a cash valuation. Mining properties are assessed first, upon the surface at the price paid the United States Government for that surface, unless the surface is devoted to some other purpose than that of mining, in which event the valuation of the surface for the purpose to which it is devoted is taken. Upon the mine itself, the ores, minerals, mining companies—or mining properties are assessed upon the net proceeds—that is, the actual value of the metal taken—of the ore after allowing for the expenses of extraction, reduction, and so forth, in addition to which all improvements that are placed upon the surface are assessed as other property.

Now, of course, we make the return on the first Monday in March. We pay at the usual time in the fall, after November, upon the general property; but upon the net proceeds of mines, the statute fixes that at from June to June.

I might submit this as an exhibit. This is the assessment of the—it is a comparative statement of the assessment prepared for our office files, and correctly shows the assessment for 1912 and 1913.

(The paper so presented was marked "Kelley Exhibit No. 1." The same is printed under "Exhibits.")

Acting Chairman COMMONS. Will you state the total of this assessment as distinguished from the other, the net proceeds?

Mr. KELLEY. Yes, sir. You want the total amount of assessment exclusive of the net proceeds?

Acting Chairman COMMONS. Yes.

Mr. KELLEY. In 1913 it was $15,094,426.

Acting Chairman COMMONS. Now the net proceeds for the same year.

Mr. KELLEY. Eleven million four hundred and fifty-five thousand six hundred and forty dollars; that is, for the period ending in June.

Acting Chairman COMMONS. Of 1913?

Mr. KELLEY. 1913; yes, sir.

Acting Chairman COMMONS. What is the rate of tax on the assessed value?

Mr. KELLEY. The rate of tax varies in the different counties of the State somewhat, but will run from—approximately 30 mills is the levy.

Acting Chairman COMMONS. And what is the rate on net proceeds?

Mr. KELLEY. The same.

Acting Chairman COMMONS. Then it would be approximately 30 mills on thirteen million plus eleven millions, or twenty-six millions.

Mr. KELLEY. Yes, sir; approximately, about that, $26,000,000.

Acting Chairman COMMONS. By whom are these assessments made, and the ascertainment of net proceeds?

Mr. KELLEY. The assessments are made by the local assessing officers of the different counties. The ascertainment of net proceeds is arrived at by the actual book figures showing the cost and profit on the sale of metals, and is returned by the company.

Acting Chairman COMMONS. To whom?

Mr. KELLEY. To the local assessor.

Acting Chairman COMMONS. Is there any State tax commission, or State supervision of these assessments?

Mr. KELLEY. There is a State tax law which was adopted by the legislative assembly two years ago, but which has not as yet become effective in its operation. It is going through the preliminary stages necessary to put into effect.

Acting Chairman COMMONS. Does that provide for a State board of revision?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Have you distinguished in your assessment there between machinery, improvements, and real estate?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. That is shown?

Mr. KELLEY. It is itemized and segregated by counties.

Acting Chairman COMMONS. For that same year, what were the gross revenues or income of the Anaconda Co.?

Will you kindly submit that as an exhibit? Is that your annual report?

Mr. KELLEY. This is the annual report for the year 1913.

Mr. KELLEY. I have not—the gross business is not stated here. I can get that for you, or I can give it to you approximately.

Acting Chairman COMMONS. Well, I mean the operating income of the company; you might state it roughly.

Mr. KELLEY. I would have to get that. I haven't it in mind. It would be somewhere in the neighborhood of forty-five to fifty millions of dollars; but I can get that for you, and will be pleased to do it. You see, the reason this is not shown upon the balance sheet, or that you can not ascertain it readily from your production, there is no extra ratio or proportionate relationship between production and sales. There is nothing so uncertain as the copper market. Probably no commodity in which stocks accumulate faster and our production from January 1 to December 31 of any year would not give an index to the gross business done, because of the differences in inventories there may be at the different periods. You understand?

Acting Chairman COMMONS. Yes. I am trying to get at also the operating expense. Can you give that total operating expense? I want to get at the way in which you reach this $11,000,000 of product.

Mr. KELLEY. Oh! Well, the $11,000,000 is arrived at by—we can furnish the detail of that, if you wish—it is arrived at by taking the cost of production, including the items which are specified in the statute, and deducting from it the credits which are also specified in the statute, not estimated at all, but the result is absolute book entries which can be checked back against the balance sheet of the company.

Acting Chairman COMMONS. That will not be the gross business of the company at all?

Mr. KELLEY. No, sir. The net proceeds of the company would be the profit made on the sales made by the company.

Acting Chairman COMMONS. That is what I want to get at; you can get that from this statement?

Mr. KELLEY. Yes. That was for the year, that period that you inquired, it was $11,450,000.

Acting Chairman Commons. What was the gross item that was used in ascertaining that amount? Then what was the expense item or——

Mr. KELLEY. I haven't that statement here. I have got it for this year, 1914, which is a later one.

Acting Chairman COMMONS. You may put that in.

Mr. KELLEY. That is the one I was requested to bring. For the year 1914 the number of tons of ore extracted was 4,714,653.40. The gross value per ton was $8.37. The gross value in dollars was $39,464,004.29; the gross cost per ton of mining that ore was $3.779, or a total of $17,816,505.99; the cost of transportation per mile per ton to the place of reduction was $0.2981, or 29 cents plus; the total cost of transportation was $1,405,558.18; the amount of money expended for necessary labor was $16,331,821.88; the amount expended for machinery and cost of supplies used in operation was $9,542,580.60; the marketing charges, including seaboard, refining, freight, and selling charges was $3,570,-478.90, leaving a net proceed in value or value in dollars of $8,613,564.93, which was our return for the period from June, 1913, to June, 1914.

Now, right there I want to suggest that you can see immediately the tremendous influence—what might appear to the casual observer—that an ordinary rise and fall in the copper market has on the profits or loss of this business. For the year ending 1913 they made a net return of $11,450,000. Now, upon as large a tonnage practically—yes; it was a larger tonnage, and about the same copper production in the year ending 1914 we got from $11,450,000 to $8,057,000.

Acting Chairman COMMONS. What was the drop in the average price of copper?

Mr. KELLEY. I haven't it distinctly in mind, but I should say it was approximately 2½ cents, from a prevailing price of nearly 16 cents to a prevailing price of under 14 cents in the two periods, per pound.

Acting Chairman COMMONS. What was the highest price in the precednig year?

Mr. KELLEY. I would not be certain about that; my recollection is that copper advanced in the year 1912–13 to nearly 17 cents for a short period.

Acting Chairman COMMONS. What was the lowest in the latter?

Mr. KELLEY. In the last? Well, around 13 cents—13 cents flat, I think.

Acting Chairman COMMONS. You gave the item of labor as $16,300,000?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. You also gave transportation; there is no duplication there?

Mr. KELLEY. No, sir; no. Roughly speaking, it may be stated—I notice that this is a little under because on a low price of copper. Our wage scale diminishes somewhat, but roughly speaking 50 cents out of every dollar's production goes directly to the labor expended in mining and smelting. Our pay roll, for instance, where our expenditures, total expenditures, will run somewhat over $40,000,000, between $40,000,000 and $45,000,000 in a year, of that expenditure $20,000,000 is direct pay-roll expense in mining and smelting. Now, the cost of transportation is in addition, of course, to the cost of mining.

Acting Chairman COMMONS. Transportation does not include your own railroad?

Mr. KELLEY. No, sir; I want to explain that, if you will permit me. In mining you can, of course, classify your accounts primarily into three main causes—mining, transportation, and reduction. Now, the transportation here referred to is the transportation of the ore to the smelters, a large part of it going to Anaconda over a railroad, the majority stock of which is owned by the Anaconda Co. on a very small charge, a charge that scarcely pays expenses, the remainder going to Great Falls over the Great Northern Railroad at a somewhat higher, though, we think, a fair charge.

Acting Chairman COMMONS. This $1,400,000 mentioned also includes the labor item of transportation?

Mr. KELLEY. Well, whatever labor is paid for by the railroad company.

Acting Chairman COMMONS. I see; it is a separate company with which you keep a separate account?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And it has its own labor cost the same as you do?

Mr. KELLEY. Of course, as a ramification, that is an interesting subject in connection with this inquiry. Probably of the total expenditure of $40,000,000, if you ramify it out into its principal items of transportation, fuel, supplies, proportionately as large a part as we pay directly for labor is paid out by the various concerns that are engaged in furnishing the different lines of service required in the business, and in this transportation charge—I think I have explained that part of the ore goes over the B., A. & P., which is the Anaconda controlled company; and part of it goes over the Great Northern, with which we have nothing to do.

Acting Chairman COMMONS. This item of machinery, $9,000,000—I think I am right, it is machinery—what would that include?

Mr. KELLEY. That includes the machinery supplies and necessary appliances used in the mining of the ore; a detailed statement of that can be furnished if required; I haven't it here.

Acting Chairman COMMONS. How do you figure your depreciation account?

Mr. KELLEY. The depreciation account of what?

Acting Chairman COMMONS. For the mine and machinery.

Mr. KELLEY. Well, of course, that depends on the particular fact, mill or machine. Necessarily all of the different plants have not the same depreciation. It is the custom of the Anaconda Co. to allow a reasonable depreciation charge, and our plants have been depreciated; but that is not a uniform per cent of anything; it depends on the character of the plant and the work it is doing and probable life.

Acting Chairman COMMONS. Is that included in this total operating expense, the depreciation?

Mr. KELLEY. The depreciation would be included; yes, sir.

Acting Chairman COMMONS. It is not stated in this analysis which you gave here, the cost of mining, labor, machinery, and marketing. I presume it is set up against new machinery or something of that kind.

Mr. KELLEY. Yes; of course the subject of depreciation in corporate accounting; it is, of course, in itself almost impossible to make any general answer. It is our experience that that question comes up with reference to practically every operation, and you have to decide those things very largely upon each individual transaction. Of course our general plant can be covered by blanket depreciation, but here, where we are constantly changing machinery and putting in heavier and taking out lighter, the question of replace value, breakdown value, possible utilization in other properties of the company, as well as the cost and life of new machinery, enters into the depreciation charge.

Acting Chairman COMMONS. Is there any accounting system or supervision of accounts of your supervision similar to that prevailing in the matter of railroads?

Mr. KELLEY. Government supervision?

Acting Chairman COMMONS. Yes; State or Federal.

Mr. KELLEY. With reference to some of the departments of our business; yes, sir.

Acting Chairman COMMONS. With reference to the transportation department.

Mr. KELLEY. With reference to the transportation department and public utilities, we have some other public utilities, but not as to general business. I wish to say this, however, that our accounts are subject to critical examination by a firm of certified public accountants of good standing, and the transaction recorded in the balance sheet certified is the balance sheet from the public accounts certified by the public accountants.

Acting Chairman COMMONS. Do you make reports under the income-tax law?

Mr. KELLEY. Yes, sir; a most exhaustive report.

Acting Chairman COMMONS. What amount was turned over to the Amalgamated as dividends or various other forms by the Anaconda Co. during this fiscal year you have been speaking about—the one that was finished in 1913? This $11,000,000, is that the amount?

Mr. KELLEY. Yes. The dividend rate was $3 for the year, I think; and, figuring roughly, 75 per cent of that would have been—twelve million—the dividend exceeded the earnings; was made up out of surplus. Now, the amount that was paid the Amalgamated would be 75 per cent of the total—

about that, of the total dividend, which, as I remember, was $3 a share. That is just a question of arithmetic.

Acting Chairman COMMONS. Amongst these properties which you hold do you have any company houses used by employees?

Mr. KELLEY. Not as a rule. In Butte we have none; Anaconda none.

Acting Chairman COMMONS. What is the title to the surface, and how do you arrange with the surface owner or lessee?

Mr. KELLEY. Well, the title to this property was originally a deed from a quartz and placer patent from the United States Government.

In the vicinity of Butte, not upon the hill where active mining operations are carried on so much, but in the outlying property, there has been a segregation of the surface from the underground title, and all surface has been platted and sold as real estate. That, however, in most instances, if not all, was done by the predecessors in interest of the Anaconda Co., the original owners of the property.

Acting Chairman COMMONS. The Anaconda owns the mining claims beneath the surface, does it?

Mr. KELLEY. In many instances; yes, sir.

Acting Chairman COMMONS. And the surface ownership is entirely separate?

Mr. KELLEY. Yes; in many instances; although for the most part the big bulk of the mining property of the Anaconda Co. is owned, both surface and subsurface, by the company itself.

Acting Chairman COMMONS. Take this, for instance, then, where the surface is owned and structures are built by private enterprise other than your company, what are the terms of the contract of sale?

Mr. KELLEY. Well, that all depends. You will have in each individual case to go back to the deed that was made by the original mineral owner when the surface was segregated.

This whole city, practically, outside of a very restricted area that was embraced in the original town site, is in just that condition.

Some of the most valuable property in the city of Butte was traced back originally from the quartz and placer ownership. There is not any uniformity of segregation. It depends upon the contract that the individual mineral owner made with his individual grantee.

Acting Chairman COMMONS. Did the Anaconda accumulate all of the mineral claims, no matter what the original source?

Mr. KELLEY. Oh, no; not by any means at all. We have accumulated quite a good deal of that property where the two titles were segregated. Now, the general clause that is contained in that deed is either one of two characters: First, that the surface is granted down to a specified depth, with an obligation not to conduct any mining operations above a certain limit, say, 50 feet. Usually such a deed has a clause, a general clause, which would prevent the underground worker from causing any damage to the property. In other deeds it is just merely the proposition of reserving the right to mine without causing surface damage.

Acting Chairman COMMONS. Have you had cases of surface damage to property owners?

Mr. KELLEY. Have there been?

Acting Chairman COMMONS. Yes.

Mr. KELLEY. Why, I think so.

Acting Chairman COMMONS. What plan of settlement has been the method of settlement of damages?

Mr. KELLEY. Well, those matters have been settled.

Acting Chairman COMMONS. According to the contract?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. Damages are paid in all cases?

Mr. KELLEY. I think so; where it is clear what the cause is.

Commissioner GARRETSON. One question right there, Mr. Chairman.

Acting Chairman COMMONS. Yes.

Commissioner GARRETSON. Is there any clause in any of those agreements which bars the right of recovery if damage does ensue?

Mr. KELLEY. No; I think not, unless, of course, it would be a question of legal interpretation as to what consequential damage might be claimed in the event of the agreement that you would not mine within, say, 50 feet of the surface.

Commissioner GARRETSON. Well, that would fall under the provisions of the law and not of the agreement, then?

Mr. KELLEY. Oh, yes.

Commissioner GARRETSON. But there is no absolute clause barring right to recovery?

Mr. KELLEY. I don't know of any; no, sir.

Acting Chairman COMMONS. How many employees have you in this, in the mining and reduction work?

Mr. KELLEY. Under normal conditions we would employ in the mining end here in Butte between nine and ten thousand men; at Anaconda between two thousand and twenty-two or twenty-three hundred; at Great Falls between seven hundred and fifty and a thousand.

Acting Chairman COMMONS Making a total in the mining operations of——

Mr. KELLEY. Of, say, ten, twelve—nearly thirteen thousand.

Acting Chairman COMMONS. And what proportion of your men are underground?

Mr. KELLEY. Well, a very large proportion of the nine to ten thousand that would be employed here in Butte would be underground, although the surface department is a very large department. I haven't the figures for that in mind, but I can get them, and will, if you wish.

(The information requested was later furnished, and is printed as "Kelley Exhibit No. 3.")

Acting Chairman COMMONS. We would like to get that, the total number of miners and helpers and underground men, classified.

Mr. KELLEY. Yes.

Acting Chairman COMMONS. What number are employed in the smelting operations and reductions works?

Mr. KELLEY. Well, about two thousand to twenty-three hundred at Anaconda, and seven hundred and fifty to a thousand at Great Falls. You want the number of men employed underground?

Acting Chairman COMMONS. Classified by their occupations—miners, helpers, loaders, or whatever they are.

Mr. KELLEY. Well, underground here, with the exception of the men who are in specific parts, all men who go underground are classified as miners and receive the same wage scale, the same minimum wage scale. We have no classification, so far as pay roll is concerned, between miners, helpers, and muckers underground. They all receive the same minimum wage scale that has been one of the regulations of the union that existed here in Butte. Of course, we have the different lines of work, so that I may understand you, as timbermen, pump men.

Acting Chairman COMMONS. Yes; I would like to get the scale for each man, each class of work. You say the minimum is $3.50 for miners, helpers, and muckers, as they are called?

Mr. KELLEY. Well, I don't remember saying that, but that is a fact. I can give you our wage scale.

Acting Chairman COMMONS. I would like to have you submit that as an exhibit? Will you hand it to the reporter to be numbered?

Mr. KELLEY. Yes.

(The paper so presented was marked "Kelley Exhibit No. 4." See Kelley Exhibit No. 4.)

Mr. KELLEY. And I wish to make a word of explanation with reference to it. This is the direction, is a copy of the direction to the timekeeper for the making up of time, and gives the minimum scale for each employment that is listed here. It shows—we have a splitting point in all occupations, at 15 cents for mining, another splitting point at 17 cents, and a third splitting point in the wage scale for all at 18 cents copper. This gives the rate of wages at the different splitting limits of copper. You understand that our wage scale is based upon——

Acting Chairman COMMONS. Will you explain the wage scale, if you will?

Mr. KELLEY. Well, the income as shown by these net-proceeds returns of a copper mining company is so directly affected by the price of copper that in order to maintain a satisfactory scale of wages, a scale of wages which is high enough under all circumstances to give a fair return to the employee, it has been deemed advisable to base it on the price of copper. Accordingly our wage scale is based with a minimum rate when copper is under 15 cents. At 15 cents copper—that is, upon the basis of a monthly wage—when copper is 15 cents or over, the rate of wages of all employees advances 25 cents a day. At 17 cents, or when copper is 17 cents per pound for a month, the rate of all men who are employed underground advances an additional 25 cents, but not of the

other employees. At 18 cents copper the rate of all employees, both above and below ground, advances an additional 25 cents.

Now, I want to say with reference to this wage scale that is submitted that that is the minimum scale. It does not include the special wage scale paid in almost every line of employment where work is of a particularly hazardous nature, dangerous nature, unhealthy nature, or where for any reason factors are introduced that do not affect common employment—additional compensation is paid.

Acting Chairman COMMONS. It does not include, either, the sliding-scale feature?

Mr. KELLEY. This does; yes; this has.

Acting Chairman COMMONS. It states what it would be?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Does it state for this prosperous year, when your dividends were twelve millions, and this present year eight millions, what has been the actual payment to these classified employees, who vary with the price of copper?

Mr. KELLEY. No; this is the general scale here; but I can give you those figures. In fact, I have them prepared and will be very glad to give them.

As a matter of fact, our wage scale last year was over $2,000,000 more than it was the previous year, notwithstanding the price of copper was less.

(See Kelley Exhibit No. 2.)

Acting Chairman COMMONS. Last year—you mean the calendar year 1913?

Mr. KELLEY. I mean the calendar year 1913. According to my recollection, our pay roll was something over $20,000,000. For 1912 it was something over $18,000,000.

Commissioner O'CONNELL. And the wages are based upon the price of copper, regardless of the dividends?

Mr. KELLEY. Exactly. And when copper is very low and you have an enormous overhead expense to take care of you have got to increase your product rather than decrease it with a decreasing price of copper, and you have got to mine more tons of ore. And while the individual wage drops to three and a half, the aggregate wage scale upon a less total income is more than in a prosperous year. You get the point?

Commissioner GARRETSON. During the year——

Mr. KELLEY. You have got to make more production, in other words.

Commissioner GARRETSON. During the year, as I understand the testimony, the men during that year were working at the minimum rate, were they not, the bulk of them?

Mr. KELLEY. No.

Commissioner GARRETSON. On the sliding-scale basis?

Mr. KELLEY. No; during the year 1913—I think the greater part of the year 1913—the men were working on the scale in effect above 15 cents.

Commissioner GARRETSON. Above 15?

Mr. KELLEY. Yes.

Commissioner GARRETSON. What dividend rate was paid during the 15-cent period?

Mr. KELLEY. The same dividend rate, 75 cents a quarter per share, I think.

Commissioner GARRETSON. When the reduction did take place in the pay of the men owing to the sliding scale and the low price of copper, was there any reduction in the dividend rate?

Mr. KELLEY. There was a reduction in earnings, not in dividend rate, because there was a sufficient accumulation of surplus to take care of the deficit.

Commissioner GARRETSON. But none of that surplus was used to keep the wage at the same rate; it was used to keep the dividend at the same rate?

Mr. KELLEY. Well, I don't know that I get your point; I can't see any——

Commissioner GARRETSON. The point is, what I wanted to develop was this: Whether the low price of copper worked the same result on the stockholder and the employee.

Mr. KELLEY. It did unquestionably in ultimate result.

Commissioner GARRETSON. Oh, but not in immediate result.

Mr. KELLEY. Well, it did in this way: If you had a rate of wages based upon your income, there is a direct ratio between the amount paid as wages and the amount which the company has as net income. Now, then, if instead of paying all of that net income to the stockholders, a reserve is accumulated so that when you have a frightfully lean year such as we have had in the copper business at various times, when you can't save on your pay roll to make

a dividend, you have got a little in the box that you can take out to make up the difference.

Commissioner GARRETSON. In equity, is there any more reason in the lean year that the stockholder should be protected than there is that the employee should? Now, bear in mind, I am barring the existence of your agreement and only passing on the equity of it.

Mr. KELLEY. If you desire my view on the economics, I would be very glad to give it to you, but I should regard that as quite distinct, any application of that view, to the business management of a corporation.

Commissioner GARRETSON. If you could express without extended argument your opinion of whether or not a reduction in wage should in equity be accompanied on account of the market value of the product—should be accompanied by a reduction in dividend rate, I should be very glad to hear it.

Mr. KELLEY. I think unquestionably so, and I think unquestionably that that necessarily follows. You take one year and balance it against another particular year, there may not be the absolute reduction there. But in working out the business life of a corporation things must be kept at the same ratio, and they will be kept at the same ratio, and I concede you freely that it is my opinion and it is my belief that in prosperous times the whole prosperity should not go to the stockholder, but the wage earner should participate in it. That is the policy that I have tried to perform.

Commissioner GARRETSON. And that in lean times also——

Mr. KELLEY. And that in lean times it applies exactly the other way.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. There is one point that you mentioned regarding the lean years, or at least when the price is low.

Did I understand that in those years there is more employment, that you turn out more product in those lean years when the price goes down, we will say, to the 15—below 15?

Mr. KELLEY. That is true up to a certain limit. Now, I want to make this suggestion before I leave the topic discussed by the gentleman here [indicating Commissioner Garretson], and that is that vice versa of the fact that last year and year before last year the wage was reduced to the minimum, and the dividend was not, we have had years, a number of them, when there was absolutely no dividend at all paid or earned, and when the wage scale was not reduced.

Now, answering your question: If you endeavor on a lean copper market to keep your costs down you must increase your tonnage. As long as there is any profit in the business, which means as long as there is any continuous market for the copper, you may be able by increasing tonnage somewhat and consequent decreasing of expenses to make a profit. When the market ceases so that your copper can not be sold at all, then of course you must put a limit on your expenses, because you can not pay your bills in copper.

Acting Chairman COMMONS. Well, that is a little peculiar idea there. You speak of the market ceasing altogether?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. The market would not cease altogether if you reduced the price?

Mr. KELLEY. It has at this time. At this time there is absolutely no foreign market for copper. There is no means of transporting copper to Europe, and there is no method by which you could collect for copper if you transported it. The bills, the drafts, that were drawn against the enormous stocks of copper that had been transported to European countries within the last 30 days, copper that is now afloat, are now coming back—that have been discounted, those drafts are coming back for repayment in New York to-day.

There is no local market for copper, no selling agency. While there is a price quoted at 13 cents, I believe, or 13¼, I don't believe that within the last 10 days there has been a pound of copper sold in the United States.

Acting Chairman COMMONS. Even at that low figure?

Mr. KELLEY. Even at that low price.

Acting Chairman COMMONS. Now, this is, of course, an extraordinary situation.

Mr. KELLEY. Very.

Acting Chairman COMMONS. What you say would you intend to apply generally in other times?

Mr. KELLEY. Yes; what I say—I can straighten out my exact meaning by suggesting this situation to you:

In 1907 for a while there was a financial stringency that absolutely wiped out our domestic market. At that time we could sell copper abroad for a while and keep going on that basis. When it got so bad we had to close down—now, up to the point you could afford to accumulate a stock of copper on a low-price market you can produce it; when you get to the point you can not carry copper any longer, then you have to stop.

Acting Chairman COMMONS. Up to that point, you can really increase the amount of employment as the price or profits go down.

Mr. KELLEY. Well, of course, you must take that in a very qualified manner. If you wish to keep up the production, the normal production, if you wish to maintain your production the same, that would be true.

Acting Chairman COMMONS. In which case you would have to build up your stock?

Mr. KELLEY. Have to build up your stock, and you could only do that as long as the markets take your stock. When the market stops then, of course, you have to curtail.

Acting Chairman COMMONS. Will you describe the operating organization of your system? You are the general manager. Take it down the line, the different grades of superintendents, foremen, and so on.

Mr. KELLEY. Our organization is a very simple one. Our various lines of business are divided into departments, and each department, or subdepartment, has a man in charge with the rank of superintendent or manager of that department. As illustrative of that, if you wish, my title is vice president. I have general charge of the operations. Mr. Gille is manager of mines, has charge of all the mining operations. Mr. Mathewson, the manager of the works in Anaconda, has general charge of the operations there. Mr. O'Grady, of Great Falls; Mr. Toole, of the lumber operations, and so forth.

Acting Chairman COMMONS. Then beneath each of these general superintendents, what is the next organization?

Mr. KELLEY. Well, in the mining organization we have the manager of mines, assistant manager of mines, general superintendent of mines. And they a foreman over each individual mine. Beneath him are assistant foremen and shift bosses.

Acting Chairman COMMONS. What are the salaries, beginning with the shift bosses and going up, what are the salaries paid to the shift bosses?

Mr. KELLEY. The shift boss' salary is $5 a day, with an increase when the price of copper is over 15 cents. The salaries of the assistant foremen vary somewhat. I think they are on the whole—I think they range about $200 a month—where is Mr. Gille? Mr. Gille could give you that information.

Acting Chairman COMMONS. Well, we will take that up. Mr. Gille is here?

Mr. KELLEY. Mr. Gille. I can give you that. The assistant foremen are about $200 a month; foremen, $225 a month for the small mines and $250 for the larger mines, in addition to which they have in some instances house rent, light, supplies of that kind furnished them.

Acting Chairman COMMONS. That comes up to the superintendent?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. What are their salaries, what do they get?

Mr. KELLEY. The assistant superintendent is $6,000; $7,500 for general superintendents. The assistant manager, do you wish these salaries?

Acting Chairman COMMONS. You can file a statement of that.

Mr. KELLEY. I would sooner do that; I would be more sure it was accurate.

Acting Chairman COMMONS. Yes; file that as a part of your statement. Do these shift bosses, foremen, superintendents receive any payments additional to those salaries based on either the price of copper or the earnings of the company?

Mr. KELLEY. Well, I told you that the shift bosses——

Acting Chairman COMMONS. Yes.

Mr. KELLEY. And the assistant foremen receive an increase or decrease on the price of copper the same as the miners. In addition to that there is no added salary for income, but there is a bonus for safety. We pay—set aside $1,000 a year, which is paid in sums of $750 and $250, respectively, to the foreman of the mine which shows the least number of accidents in the mine proportionate to the number of shifts worked.

Commissioner O'CONNELL. That is competitive, then?

Mr. KELLEY. Yes.

Commissioner O'CONNELL. And there is no regular standard system of bonuses to all those in charge of the mine?

Acting Chairman COMMONS. That is, the bonus for safety goes to the foreman of each mine and no lower than foreman, is that the idea?

Mr. KELLEY. It goes to the foreman of the mine which makes the best showing in that respect.

Acting Chairman COMMONS. It is a prize offered?

Mr. KELLEY. It is a prize; yes.

Commissioner GARRETSON. He does not divide that?

Mr. KELLEY. He does, as a matter of fact, divide——

Commissioner GARRETSON. I mean under your system he is not supposed to, but he in fact does?

Mr. KELLEY. He can do as he pleases with it. I do not know what he does.

Commissioner GARRETSON. It is his?

Mr. KELLEY. It is his.

Acting Chairman COMMONS. How long has that kind of a bonus been in operation?

Mr. KELLEY. Two years.

Acting Chairman COMMONS. Have you found good results?

Mr. KELLEY. Yes; I think we have.

Acting Chairman COMMONS. What reduction did the winner this last year make in the number of accidents?

Mr. KELLEY. Well, in the matter of percentage I do not know that I could give it to you. I can give you statistics on it. My recollection is the record for his mine was one accident for every 104,000 shifts worked underground, which figured out upon the basis of probable injury, considering the hazard of the business, we regard as rather extraordinary.

Acting Chairman COMMONS. By 104,000 shifts you mean men shifts?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. One accident to 104,000. Does that include all kinds of accidents?

Mr. KELLEY. That includes accidents which incapacitate for a period of 30 days or longer.

Acting Chairman COMMONS. I presume you have kept a complete record of accidents?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. How far back do they go?

Mr. KELLEY. Well, it does in some of the properties. You see, what is now the Anaconda Co. was originally a number of separate operating companies, and their method of settlement, their method of carrying insurance and keeping statistics, differed somewhat, so that for all of these properties we have not uniform statistics extending back any considerable length of time.

Commissioner GARRETSON. Have you since the consolidation?

Mr. KELLEY. Yes, sir; since 1909 we have the original; we have the complete Anaconda since 1900.

Acting Chairman COMMONS. Could you furnish us with that record?

Mr. KELLEY. I think so. It would take some time to get that together, but I would be very glad to do it and send it to you.

(The matter referred to is printed as "Kelley Exhibit No. 5.")

Acting Chairman COMMONS. Reduced to this basis that you spoke of, man shifts?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. How about the accidents of less than 30 days?

Mr. KELLEY. We have a record of those. We have a record of every accident which either caused the man to come to the surface or to go to the hospital for a dressing. We have a record of the length of time he was in the hospital; that is, we try to keep that record, and of the time when he came back to work.

Acting Chairman COMMONS. You could furnish that record, too, could you not?

Mr. KELLEY. I could. It might take some little time to compile it; it is not in just that shape, because as we have it it is intermingled with other things and is not kept with reference specifically to those things you would be interested in, but I would be glad to get it for you.

Acting Chairman COMMONS. You will do that, then?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Regarding the wages of men below the shift boss—that is, miners, helpers, and others—why is there no distinction made between miners and helpers, and what is the other term? Are they loaders?

Mr. KELLEY. Muckers.

Acting Chairman COMMONS. They are the loaders—shovelers, are they?

Mr. KELLEY. Well, the reason for it is that the Butte miners' union adopted at the time of its organization the principle that every man who went underground should receive the miner's wage, and while we have always felt there should be—should reasonably and logically be a classification of the employment underground, that has been one of the things that has been conceded by the employing companies and the employers at Butte.

Commissioner LENNON. I was going to ask, is it established by agreement with the union, or simply accepted?

Mr. KELLEY. Well, originally I think it was a part of their organic law, whatever it was, by-laws or constitution—and was agreed to by the operators and later when the contract system, as we speak of it and know it now, was put into force, it was agreed to by the operators; yes, sir. There is this distinction, perhaps I should say—there is this much classification, that in our contracts of employment certain lines of employment above, requiring more skill than the ordinary miner, are classified and additional wages are paid them.

Acting Chairman COMMONS. Is that a copy of the contract?

Mr. KELLEY. This is the original agreement. I was told to bring the original agreement, and I have it. I can furnish you with a copy; I wouldn't like to give you this.

Commissioner O'CONNELL. You can turn it in and we will have it copied right here and return it to you.

Mr. KELLEY. Yes, sir. Men engaged in shafts, stations, cutting winze, station tenders, are classified separately and receive an addition of 50 cents to the current wage per day. Now, in addition to that, in bad places we have a contract system and a contract wage frequently runs as high as $6—sometimes, $7 per shaft.

Acting Chairman COMMONS. You will allow the reporter to number that exhibit you had, and we will have it copied.

Mr. KELLEY. Yes, sir. There is the contract of 1907 and the contract of 1912.

(The papers so presented were marked "Kelley Exhibits Nos. 6 and 7." See Kelley Exhibits Nos. 6 and 7.)

Acting Chairman COMMONS. The latter being the current one?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Do you wish to make a copy yourself?

Mr. KELLEY. Yes, sir; I don't like to let that out of my possession.

Acting Chairman COMMONS. You would like to present a copy instead?

Mr. KELLEY. Yes, sir; I will have a copy made and present them, and your stenographers can compare them if they wish.

Acting Chairman COMMONS. You may submit the copies, then, in place of the orignal.

Mr. KELLEY. All right.

Acting Chairman COMMONS. This additional of 50 cents extra on classified employees, did that come up as a proposition from the management?

Mr. KELLEY. That was a condition that was agreed upon by both the union and the management when the contract was signed.

Acting Chairman COMMONS. Has the company ever proposed a different scale for the different miners and helpers and muckers?

Mr. KELLEY. Well, the matter has been discussed, but there has been a sort of understanding there would be a row to change that.

Acting Chairman COMMONS. How long must a man work underground before you allow him to operate a machine as a miner?

Mr. KELLEY. There is no fixed term. There is no fixed term of apprenticeship in the mining business.

Acting Chairman COMMONS. This system, then, apparently permits you, on the operating side, to advance any man to the position of miner at any time or place, and he gets no additional pay; is that the idea?

Mr. KELLEY. Yes; of course good miners are what you want. They are scarce compared to the general labor market, and as rapidly as men can perform the work of a miner they are advanced to that position.

Commissioner LENNON. Is there any given amount of production on which you pass the judgment as to whether the man is fit to be used—to make a mucker fit to be used as a miner, or a helper fit to be used as a miner?

Mr. KELLEY. No, sir; there is no relationship between the production per man.

Acting Chairman COMMONS. You spoke a moment ago of the contract; what do you mean by contract? That is the agreement with the union, is that the idea?

Mr. KELLEY. Yes, sir; in 1907 when the sliding scale was adopted, a five-year contract was entered into between the different operating companies here and the miners' union and other affiliated crafts. That is, each craft that is engaged here in Butte has an operating contract, and they all have their own contracts with the operating company. On the expiration of that contract in 1912 a three-year contract was entered into in which there was some modification of the wage scale.

Commissioner LENNON. The contract of the other trades is not based on the sliding price of copper?

Mr. KELLEY. Yes, sir.

Commissioner LENNON. Machinists, and so on?

Mr. KELLEY. Yes, sir; everything—every employee.

Acting Chairman COMMONS. How long have you been in charge of the Anaconda properties?

Mr. KELLEY. I think in my present position about three years and a half.

Acting Chairman COMMONS. How long have you been connected with the operations of the company?

Mr. KELLEY. I have worked for the Anaconda Mining Co. off and on 30 years, nearly 30 years.

Acting Chairman COMMONS. The first contract was signed, then, in 1907, was it?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. What was the situation prior to that regarding any agreement?

Mr. KELLEY. There was an established wage scale here, but none by agreement, and no sliding scale. The minimum wage of the miners in Butte from the time of the organization of the Butte miners' union was $3.50 a day, and it had always been regarded that certain classes of work underground should be paid additional to that minimum wage; shaft sinking, station cutting, winze, are regarded as additional. And there was an understanding as to what they should be paid, but I don't know that there was any difference of opinion about it. In 1907 the first contract was entered into, and it provided for a minimum wage for miners of $3.50 per day and $4 when copper sold at 18 cents and over. These other classifications of the mining business were increased proportionately. On the expiration of that contract we made the contract of 1912, which gave a 25-cent increase at 15 cents instead of making the 50-cent increase at 18 cents, and to the miners an additional 25 cents at 17 cents, and an additional 25 cents at 18 cents.

Acting Chairman COMMONS. So that in effect the amount amounts to an increase, when copper reaches 17 cents, of 25 cents over the old scale?

Mr. KELLEY. No; when copper reaches 15 cents. Our minimum up to 15 cents is $3.50, from 15 cents to 17 cents it is $3.75, from 17 cents to 18 cents it is $4, and above 18 cents it is $4.25; that is the minimum.

Acting Chairman COMMONS. And prior to the contract of 1912?

Mr. KELLEY. It was $3.50 to 18 cents and over 18 cents $4.

Acting Chairman COMMONS. So that it amounted to about 25 cents a day increase over what it was?

Mr. KELLEY. It amounted to 50 cents a day increase over what it was.

Acting Chairman COMMONS. Until it gets up to 17 cents?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. Under the old agreement at 18 cents the man would have gotten 50 cents increase, which would put him to $4?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. Under the new agreement at 18 cents he would get $4.25?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. What was the prevailing wage at the time that agreement was signed; I am speaking of the minimum; was it $3.50 or $4?

Mr. KELLEY. The price of copper—I happen to remember that because I was watching it—it was just a shade under 17 cents and it was so close that the contract—we negotiated that contract in June and the average price for copper, although the contract was not signed until in July, we made it retroactive and setled on a 17-cent basis; it was a shade under 17 cents.

Commissioner GARRETSON. How soon after that did the price of copper lower the wage?

Mr. KELLEY. I could not say, it was some months.

Commissioner GARRETSON. Has it ever gone up since?

Mr. KELLEY. Yes, sir.
Commissioner GARRETSON. For how long a period?
Mr. KELLEY. Very short.
Commissioner GARRETSON. Then went back down?
Mr. KELLEY. Yes, sir; but has stayed for quite a considerable period of the period above 15 cents.
Commissioner GARRETSON. It went even to the $4.25 rate once?
Mr. KELLEY. No, sir; went to the $4. I don't think copper sold over 18 cents—I know it hasn't in the last few years.
Acting Chairman COMMONS. What were the reasons for the change to the contract system in 1907?
Mr. KELLEY. Well, in 1907, there developed a considerable agitation for an increase in wages, and the management of the company was willing to grant the increase to apply that to when they could afford to pay it, and the result was that the negotiation was conducted and it was agreed that if this five-year contract was made they would adopt the sliding scale; that seemed to be fairly satisfactory all around.
Acting Chairman COMMONS. Did the proposition come from the management or from the union to adopt the contract system?
Mr. KELLEY. Well, I think the proposition at the time when the union started was straight $4, and then it was a matter of negotiation that ultimately resulted, I think—it was negotiated by both sides.
Acting Chairman COMMONS. What I am getting at is prior to that you simply operated on an understanding?
Mr. KELLEY. Yes, sir.
Acting Chairman COMMONS. I take it those understandings originated in a rule or by-law adopted by the union?
Mr. KELLEY. Yes, sir.
Acting Chairman COMMONS. And you simply accepted it?
Mr. KELLEY. Yes, sir.
Acting Chairman COMMONS. Now, when it came to 1907 you began negotiating with them?
Mr. KELLEY. They began negotiations; they made a demand for $4.
Acting Chairman COMMONS. And the negotiations started?
Mr. KELLEY. Yes, sir.
Acting Chairman COMMONS. It was mutually agreed it should be put in writing?
Mr. KELLEY. Yes, sir.
Acting Chairman COMMONS. And that is what you call the contract?
Mr. KELLEY. Yes, sir.
Acting Chairman COMMONS. Is there any advantage in that system over the prior method?
Mr. KELLEY. Well, I think so—I think so. I think anything which tends to simplify and put on an agreed basis the relationship between employer and employee is of mutual advantage to both.
Acting Chairman COMMONS. You spoke a moment ago of a different scale for what you call, I think, unwholesome or bad places of work.
Mr. KELLEY. Yes, sir.
Acting Chairman COMMONS. What do you mean by that kind of places.
Mr. KELLEY. Well, we have some places that are wet, for instance. I might say this, in mining necessarily the work is continually progressing; we reach a certain elevation and open it up; call that a level. Now, when we have to go below that and open up a new level, you encounter water, the air is bad, the powder smoke is bad, work of that kind is entirely entitled to additional compensation, or in drifting work, drifting where the ventilation is not good.
Acting Chairman COMMONS. Then, that only occurs, then, in opening up new levels?
Mr. KELLEY. Chiefly occurs there; yes, sir.
Acting Chairman COMMONS. Does it also occur in working on the older levels?
Mr. KELLEY. No, sir; not after the level is opened up and developed.
Acting Chairman COMMONS. Then, what is there in the contract governing the increased pay which a man shall receive?
Mr. KELLEY. Fifty cents additional for shaft cutting, shaft sinking, winzes, and work of that kind.
Acting Chairman COMMONS. That kind of work would be plain, I am speaking as to the question of whether the work is unwholesome.

Mr. KELLEY. That is the kind of work that is unwholesome.

Commissioner O'CONNELL. It is agreed that that is the unwholesome work, among you?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Oh, I see. That is fully provided in the agreement. Do any disputes arise over that question, as between the men and the shift bosses?

Mr. KELLEY. I have never known of any.

Acting Chairman COMMONS. Who determines the character of the work?

Mr. KELLEY. Well, the work is just as well classified as it can be. It has a fixed definite meaning, and there could not be any room for dispute about it.

Acting Chairman COMMONS. Now, what has been the history of the hours of labor, the 8-hours system, in the mine; when did it begin, and was it universal; or has it been extended to new classes of labor?

Mr. KELLEY. Well, originally the shift here in Butte was 10 hours in the day and 9 hours at night; and, I think, in 1901 the legislative assembly passed an 8-hour law applicable to employees engaged in mines, mills, concentrators, etc. Since that time 8 hours has been the prevailing rule.

Acting Chairman COMMONS. Does that apply to—what I am getting at, does it apply to all work and labor of all kinds?

Mr. KELLEY. It applies to everything except a few watchmen, who are really pensioners just kept on.

Acting Chairman COMMONS. Does that apply to such men as work on construction work—building trades and ironworkers?

Mr. KELLEY. Yes, sir; all trades.

Acting Chairman COMMONS. The law has not been limited to underground and smelting work?

Mr. KELLEY. No, sir; practically all employment in this district is on the eight-hour basis.

Acting Chairman COMMONS. Is that by agreement with the union, or by act of the legislature?

Mr. KELLEY. Well, it is by both; the act of the legislature covers some branches and the agreement with the union covers the others.

Acting Chairman COMMONS. Now, could you state which are covered by the law?

Mr. KELLEY. I can get the statute in a moment.

Acting Chairman COMMONS. Will you kindly send for that, or have it brought in?

Mr. KELLEY. I wish to state that the Anaconda Co. was on an eight-hour basis before the statute was passed.

Acting Chairman COMMONS. That was brought about by agreement?

Mr. KELLEY. Yes, sir. I have here a statement which I sent for—that was requested in the course of the examination—very fine in detail, the statement I made in regard to wages paid during 1912 and 1913. In 1912 the total pay roll amounted to $18,306,209.47, and in 1913 it amounted to $20,215,039.05, about $2,000,000 more.

Commissioner GARRETSON. It was the same wage—virtually paid to more men?

Mr. KELLEY. Really, I think——

Commissioner GARRETSON. Or less wages, possibly, paid to a still greater number?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Does that give the tonnage?

Mr. KELLEY. No, sir; but you have that in connection with the reports that have been submitted, and this shows by the departments. I would be glad to submit that again.

Commissioner GARRETSON. Can you submit a statement showing the rate of pay that obtains for the two years—that is, covering this $3.50 minimum rate?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. Or other minimum rate, whatever it might be, showing the exact period to which each have applied.

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. You said that the Anaconda Co. had had the eight-hour operations earlier than 1901?

Mr. KELLEY. Yes, sir; that is my recollection.

Acting Chairman COMMONS. In what branches?

Mr. KELLEY. Mining.

Acting Chairman COMMONS. In all classes?

Mr. KELLEY. I would not be certain enough about that to make a statement.

Acting Chairman COMMONS. You don't know how many or what grades were affected by the law of 1901?

Mr. KELLEY. No, sir; but I am quite certain that the underground employees at least were on an eight-hour basis prior to that time.

Acting Chairman COMMONS. When was the change made from the 10 and 9 hour shift to the 8 hour, do you remember?

Mr. KELLEY. I think about 1900.

Acting Chairman COMMONS. 1900?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. The year before the law was adopted?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Have you in mind the influence or agitation that led to the adoption of that law of 1901?

Mr. KELLEY. There was an agitation.

Acting Chairman COMMONS. Was the union instrumental in that?

Mr. KELLEY. Yes, sir; the union was instrumental in it; the politicians assisted; some of the employing companies who were equally engaged in politics at that time likewise assisted.

Acting Chairman COMMONS. It was a general demand for the eight-hour day, was it?

Mr. KELLEY. Well, yes, sir; you might say it was a general demand, and not very strenuously opposed.

Commissioner GARRETSON. Did it reduce the personnel of the agitators——

Mr. KELLEY. I didn't use that name.

Commissioner GARRETSON. I was using it in the actual sense; I was only speaking of the persons who agitated as agitators, not in the offensive sense—only turned the crank. Were any of those persons who were engaged in agitation—I will put it in better form, possibly—dual in their character? Was the union man also a politician or the politician a union man, or was any officer of the company also an officer of the company and a politician?

Mr. KELLEY. I think all sorts of those combinations have at times existed.

Commissioner GARRETSON. I wondered.

Acting Chairman COMMONS. Do the shift bosses employ and discharge the miners and helpers and those under them?

Mr. KELLEY. No, sir.

Acting Chairman COMMONS. What is your system regarding employing and discharging men?

Mr. KELLEY. The foreman or assistant foreman, I think, employs men; the shift boss may discharge them.

Acting Chairman COMMONS. Do you have any central employment office?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. What are the duties of that office?

Mr. KELLEY. Well, I don't know just what you mean by duties. I could describe the method; probably that would give you the answer.

Acting Chairman COMMONS. Well, explain that.

Mr. KELLEY. No man is hired without he has what is termed a rustling card. Any man who desires to seek employment may apply at the employment bureau and receive a card.

Commissioner O'CONNELL. Just explain what a rustling card is.

Mr. KELLEY. That is what I am doing now. A card which is termed a "rustling card"; this card is presented to any of the men who have the employment of men; a man is hired, and this card is turned in to the timekeeper and returned to the employment bureau; I think that is the system.

Commissioner O'CONNELL. Who is in charge of the central employment office?

Mr. KELLEY. Mr. Lentz; he has been subpœnaed, I believe.

Commissioner GARRETSON. Is a man allowed to work in the district without he is in possession of one of those cards?

Mr. KELLEY. In the district; yes, sir; but not for the Anaconda Co.

Commissioner GARRETSON. But not for the Anaconda Co.?

Mr. KELLEY. No, sir.

Commissioner GARRETSON. Then it is equivalent, after he runs the gantlet of the man who issues them, he is permitted to work for the Anaconda Co.?

Mr. KELLEY. No, sir; I don't know as I would phrase it quite so strong as running the gantlet. I think these cards are issued—as far as I know of my personal knowledge, they are issued to any applicant.

Commissioner GARRETSON. To any applicant?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. There is no investigation of the man's record or anything of that kind before issuance?

Mr. KELLEY. No, sir; among the questions which must be answered is where he was previously employed, and there is an investigation, as I understand it, of that question, but he is not held up in the meantime.

Commissioner GARRETSON. The card is issued, and then if the reference is unsatisfactory it is revoked; is that it?

Mr. KELLEY. No, sir; I don't know of any card having been revoked.

Commissioner GARRETSON. Then what is the object? Maybe you can tell us that.

Mr. KELLEY. I can, very freely, very frankly tell you the object of it. The object—I think any business that is doing the business that the Anaconda is doing should have some systematic method of employing its men. It is necessary in the first instance in order to keep a record of the employees straight; it is necessary particularly in a town like Butte where a credit system is employed in all the stores to keep track of the employees. We have any goodly number of men who were working under at least two or three different names in the same month with garnishments and bills and assignments coming from those tradesmen downtown, and the general information which I think an employer has a right to acquire as long as he does not abuse any information acquired, by maintaining a system of employment.

Commissioner GARRETSON. Then the only object lying behind it is the protection of the credit system?

Mr. KELLEY. No, sir; the object lying behind it is to give the Anaconda Copper Mining Co. the information concerning its employees which it deems it has a right to obtain, and which to my knowledge has never been abused in any way.

Commissioner GARRETSON. Is there any code system or arrangement or phrases on this card to serve as an indication to those to whom he presents it as to whether or not he is a desirable man to employ?

Mr. KELLEY. Absolutely nothing whatever.

Commissioner GARRETSON. Nothing?

Mr. KELLEY. No, sir.

Commissioner O'CONNELL. What is meant by the word "rustling?"

Mr. KELLEY. That is a phrase that is used to cover the seeking of employment.

Commissioner LENNON. That he goes from one foreman to another?

Mr. KELLEY. Yes, sir; he is rustling a job; that is the phrase that is used—he is seeking employment.

Commissioner LENNON. Can you state the total number of men who are on the list of eligibles to rustle?

Mr. KELLEY. There is a great many. My last information on that I think there were over 20,000, with an employment of 9,100 or 9,200. That many cards have been issued.

Commissioner LENNON. What is the total number of employees actually working? Does that apply to this total of 14,000?

Mr. KELLEY. No, sir; that applies to Butte.

Commissioner LENNON. The 9,000 jobs in Butte——

Mr. KELLEY. And there have been over 20,000 cards issued.

Commissioner GARRETSON. In how long?

Mr. KELLEY. Oh, less than a year. You know the labor situation here is somewhat peculiar. While we have a very large per cent of employees who are permanent residents and who live here and work continuously, there is a very large floating population coming in and going out at Butte, and I think that 25 per cent of the total number of men employed here are not men who permanently reside here; they come in and go out, and the personnel of the employees in the Butte district will probably change 25 per cent each year, while I should say 50 per cent of them do not change materially from year to year.

Commissioner GARRETSON. Well, this system I should think would not be calculated to furnish steady employment for the employees?

Mr. KELLEY. Would not be calculated?

Acting Chairman COMMONS. No; it would be calculated to have a large number of men on the ground who would be going around seeing the different shift bosses or foremen—they are the ones that employ the men—to see whether they

would have employment or not, and might get occasional employment and still enough to keep them here and keep them hanging on.

Mr. KELLEY. Well, I don't think that is correct.

Acting Chairman COMMONS. Isn't that the effect of such a system?

Mr. KELLEY. No, sir; I don't know how you arrive at that conclusion. If you would suggest to me what you have in mind——

Acting Chairman COMMONS. My suggestion would be this: Would you not make your force steadier and have more men steadily working during the year if this employment office—the office that issues the rustling cards—would also do all the employing instead of leaving it to the various foremen at the various mines? Wouldn't that encourage steady employment and do away with this floating population that you speak of?

Mr. KELLEY. No, sir; I don't think so. I don't think that the question of floating population is one of not being able to obtain steady employment under normal conditions it is more a question of the man who obtains the employment. They don't wish to remain. When a man obtains a job underground it is a very steady position if he takes care of it; but I think that 25 per cent of the men who come in and go out each year would go on irrespective of whether they were permanently employed. I don't think employment has anything to do with it; usually they can get employment, but they don't remain; they are floating.

Acting Chairman COMMONS. Then this 20,000; you have nothing which would show how many of them are in Butte at any one time—at the present time? There are 20,000 cards out, and the holders of those cards may have gone elsewhere, is that the idea, and taken their card with them?

Mr. KELLEY. Yes, sir. I have heard of them scattered all the way from Alaska to Mexico.

Acting Chairman COMMONS. They work here only a short time?

Mr. KELLEY. Those who take the card away never work; if they go to work, the card is returned to the employment office, you see.

Commissioner GARRETSON. If they want to gain employment in another one of your places, wouldn't they go and get a new card?

Mr. KELLEY. No. Well, he would have to get a local card at that local place. There is no interchange of cards between the different departments.,

Commissioner GARRETSON. Well, but he would have to go back to this same man?

Mr. KELLEY. Oh, no; the smelter at Great Falls and the smelter at Anaconda, they both have employment offices.

Commissioner GARRETSON. I mean, that you have a number of men here, and the shift boss in each place puts the man to work, does he not?

Mr. KELLEY. No; the foreman.

Commissioner GARRETSON. Well, the foreman?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. The man goes to the rustling office and gets his card?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. And presents himself to a foreman in one of your plants who hires him?

Mr. KELLEY. Yes.

Commissioner GARRETSON. And takes up the card?

Mr. KELLEY. That is it.

Commissioner GARRETSON. And if he left the employment would he be given back the card?

Mr. KELLEY. He would go back and get another card, but not the same card.

Commissioner GARRETSON. That is what I say; if he wanted to leave one place on one hill and go to one on the other he would have to go to the office of the man who issued the cards and get a new card?

Mr. KELLEY. Yes.

Commissioner GARRETSON. I see. He would have just as many cards as he had jobs—I mean, he would draw as many cards?

Mr. KELLEY. Yes, sir; and possibly one more.

Commissioner O'CONNELL. His one more would be a card in a prospective position?

Acting Chairman COMMONS. What advantage do you see in this system above simply letting the foreman hire and discharge?

Mr. KELLEY. Absolutely no information or record of any kind under the former system. Under this system you simply have a record of your employees, that is all; that is the only advantage. I agree with you that it might be an

advantage to have a central employment office to hire all the men, but I do not think that it is of enough advantage to make it a matter of any controversy or inconvenience.

Acting Chairman COMMONS. I simply am interested because I have never yet known of a system of this kind, but I do know of many where they have a central employment office which hires all the men, and it seems to be, I might say, quite an anarchistic system you have got here, as I look at it—that there is no system to it.

Mr. KELLEY. Very little, that is true.

Acting Chairman COMMONS. Very weak, and gives no security to any man at all, does not protect him in any way. All he has got is he has got permission to go and get somebody else's permission to work.

Mr. KELLEY. He has got permission to go to work. We have got a record of him; that is, of the work that he did.

Commissioner O'CONNELL. He is simply cleared through his last position?

Mr. KELLEY. That is all. Suppose a man had been guilty of drunkenness and his actions would submit himself and his fellows to danger, and that man would come to you, you could refuse him employment. We have had cases of that kind; but no man has been refused any card because of any——

Commissioner O'CONNELL. But suppose in the meantime that man had not only done that but performed some lawbreaking act, and in the interim of the service of employment had gone to some other party and under an assumed name, and came back here and gave you the same assumed name, you would have no accurate record?

Mr. KELLEY. No; that is right. I do not know how you would handle that situation. You can't, in my judgment, in fairness to the great body of men who seek employment and who are not lawbreakers and who should not be deprived of the means of obtaining speedy employment, hold them up and refuse them employment until you make some investigation to see whether back at any previous time in their lives they did do something that might preclude them from obtaining employment.

I would sooner, as a matter of policy, take the chance of employing an occasional man who might not be entitled to it, than to deprive a great many fellows who are really entitled to go to work of the opportunity of doing it.

Commissioner O'CONNELL. Does not this system really do this in its working out, does it not furnish your company with a far greater safeguard against getting undesirable local men than undesirable foreign men?

Commissioner GARRETSON. Isn't that the actual working out?

Mr. KELLEY. Well, I don't know that I follow you there; possibly it might.

Commissioner GARRETSON. In other words, a man who may have quite a wide acquaintance——

Mr. KELLEY. Yes.

Commissioner GARRETSON. And have reasons regardless of what may be considered undesirable; it gives you a cinch on him?

Mr. KELLEY. Oh, it could be so used, yes; but, in fact, is not.

Commissioner GARRETSON. Well, I am only speaking of the possibilities that appear in it.

Mr. KELLEY. Of course.

Commissioner GARRETSON. From the exposition there has been of it.

Mr. KELLEY. Taking a man of the character that you describe, you would not need any employment office or any system, if you did not want to employ him.

Commissioner GARRETSON. While this devolves the duty on one man alone in the identification bureau locally?

Mr. KELLEY Yes.

Commissioner GARRETSON. To a certain degree, doesn't it?

Mr. KELLEY. Yes; that is true.

Acting Chairman COMMONS. When a man makes application for a rustling card—is that what you call it?

Mr. KELLEY. Yes; that is what it is called.

Acting Chairman COMMONS. What are the questions that he answers on that card?

Mr. KELLEY. I could not give them to you. Mr. Lentz undoubtedly can furnish you with a copy of the application.

Acting Chairman COMMONS. Is he here?

Mr. KELLEY. Yes; he is on your program—he is subpœnaed.

Acting Chairman COMMONS. Is he here now?

Mr. KELLEY. Yes; he is here now.

Acting Chairman COMMONS. Mr. Lentz.

Mr. GEORGE W. LENTZ. There is a copy of it here.

Acting Chairman COMMONS. Then I would like to ask you to bring certain things.

You have a copy of the application blank. Bring some of the records that you keep, and the time sheets—any records that have been in your office—so that we may get a complete understanding.

Commissioner GARRETSON. And the form of request on references.

Mr. L. O. EVANS. I told him to bring the general letter that they write to the former employers who are referred to by the employee, you know; it would practically cover all these questions.

Acting Chairman COMMONS. And a complete set of forms and the actual records—samples of the actual records.

Mr. EVANS. And a sample of the letter of inquiry that he sends out regarding the men.

Mr. KELLEY. I want to say this in addition: Without having some means of obtaining the information we are required to furnish the Government—without having some such system as we have got now—we would be utterly unable to furnish the statistics that the Government, both State and National, inquire of us and require that we shall furnish. Moreover, some system that would enable even greater check than this will be absolutely indispensable in the event of the passage of compensation legislation, and this system was put into effect partly in view of anticipated legislation of that kind.

Acting Chairman COMMONS. Yes; I concede that. But my point is that it does not go far enough.

Mr. KELLEY. Well, I understand that it does not.

Acting Chairman COMMONS. All of the points that Mr. Garretson makes could be made against this system that you have in mind, but it would be much greater protection to the men and it could all be concentrated in the hands of one responsible man, even if it is scattered amongst a great number of irresponsible foremen?

Mr. KELLEY. Well——

Acting Chairman COMMONS. In the hiring and discharging of men?

Mr. KELLEY. I agree with you to this extent frankly, that this employment system of ours is really nothing but a preliminary sort of step that might be put into some use in the event of its becoming necessary either on account of compensation legislation or any other reason, and I agree with you that it is a means of doing what it is commonly supposed to do—which it had not been purposed to do—it is perhaps not as effective a system as can be put into force, but I don't think it fair to say that the foremen are irresponsible.

Now, the foremen of these mines, the men who hire these men, are usually men who have had long experience and long occupation in the district and who have a certain acquaintance with the men who are seeking employment, particularly those who are of the fixed population, and they have a better idea of what they want when they are hiring a man than any one man or set of men not directly connected with the operations would have, I think.

Acting Chairman COMMONS. Well, that is undoubtedly true in the first instance, but still they have absolute power over the men?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Without reference—without having been compelled to have their decision passed upon by some person higher up who is directly in contact with the policy of the general superintendent and the general manager, you can't be sure how they will treat the men who are under them, even though you are asking them for the delivery of product. They may use all kinds of discrimination.

Mr. KELLEY. Well, I think in fact there is very little of that done. We would hear about it.

Acting Chairman COMMONS. Your system, however, does not take care of it?

Mr. KELLEY. No; it does not.

Acting Chairman COMMONS. What is your system of policing and detective force? You have a chief of watchmen or guards; what is your plan?

Mr. KELLEY. No; we have—the principal system of watchmen is to try to find berths for fellows who are broken down and can't do anything else.

Acting Chairman COMMONS. Well, what about night watchmen?

Mr. KELLEY. Well, we have night watchmen, but I would not dignify them by the term of a police force. The local mine, the local plant, the men at

each local plant hire a certain number of watchmen. Usually those positions are given to old-timers, fellows who need the money and can't work underground. It is not an efficient military force in any sense of the word.

Acting Chairman COMMONS. Do they carry arms?

Mr. KELLEY. No, sir. Oh, no.

Acting Chairman COMMONS. They have no power of arresting trespassers?

Mr. KELLEY. Well, I think some of them may have been deputized. Each property maybe does have one or two men who have been deputized and who carry arms, but the big body of watchmen are not deputies and do not carry arms.

Acting Chairman COMMONS. At each property you have a deputy sheriff?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. He is deputized by the county sheriff, is he?

Mr. KELLEY. Yes, sir. I would not say at each property, but such men as we have are deputized that way; yes, sir.

Acting Chairman COMMONS. They are on your pay roll?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. They are not county officers?

Mr. KELLEY. Oh, no.

Acting Chairman COMMONS. Except to the extent that——

Mr. KELLEY. They are deputized to make legitimate the exercise of their functions.

Acting Chairman COMMONS. Now, do that class of men have authority over these watchmen?

Mr. KELLEY. No.

Acting Chairman COMMONS. The watchmen don't report to them?

Mr. KELLEY. No.

Acting Chairman COMMONS. Do these deputies, are they responsible, is a particular deputy responsible for any particular mine?

Mr. KELLEY. Well, I think I—I don't know of any system of that kind.

Acting Chairman COMMONS. How many of these deputies have you that are deputized by the sheriff?

Mr. KELLEY. Oh, very few, as the regular thing. I don't know. I could not tell you. Not more than probably a dozen altogether.

Acting Chairman COMMONS. Who could give us the accurate figures on that?

Mr. KELLEY. I could get it for you.

Acting Chairman COMMONS. Will you get those figures then, or send for them?

Mr. KELLEY. Yes, sir. Now, let me understand, what is it that you wish?

Acting Chairman COMMONS. Well, I wish to know what is the number of men on your force who are deputized either by the sheriff or any other public authority with the power to make arrests.

Commissioner LENNON. And carry firearms, carry arms.

Commissioner GARRETSON. Well, do they report to any controlling office?

Acting Chairman COMMONS. Well, I was just going to take that up. And also I wish to know the organization of that force, Mr. Kelley; who is the chief of that force?

Mr. KELLEY. There isn't any. There is not in the sense that you are using it. There is no such force and there is no chief to it.

Acting Chairman COMMONS. Who do these various deputies report to?

Mr. KELLEY. Well, the deputies, I suppose, report at the mines where they are stationed.

Acting Chairman COMMONS. Do they report to the foreman?

Mr. KELLEY. Yes; he is in charge of the mine.

Acting Chairman COMMONS. Well, if each deputy is not localized at one mine, he would have to report to a number of foremen then, would he not?

Mr. KELLEY. Well, so far as we have any deputies, they are localized at these mines.

Acting Chairman COMMONS. Who hires the deputies?

Mr. KELLEY. The man who hires the watchmen, the foreman of the mine.

Acting Chairman COMMONS. Then these deputies are hired by the foreman in the same way that the wage earners—the miners—are hired, are they?

Mr. KELLEY. Yes; some watchman that he has hired has been deputized.

Commissioner LENNON. Well, do they make reports every day or every week, or do they make reports only when something abnormal occurs?

Mr. KELLEY. I never heard of them making a report at all.

Commissioner LENNON. Well, if something——

Mr. KELLEY. Oh, if something—I catch this drift.

Commissioner LENNON. Yes.

Mr. KELLEY. Under abnormal conditions we would probably take steps to deputize for that particular condition.

Commissioner LENNON. I don't mean that; suppose——

Mr. KELLEY. And then we would have some organization.

Commissioner GARRETSON. He only means the regular force. Is there a systematized method by which he makes regular reports of things that he sees?

Mr. KELLEY. No.

Commissioner GARRETSON. Does he perform espionage?

Mr. KELLEY. No; no, sir.

Commissioner GARRETSON. Or have you in your regular force employed in the mine or in the mill, or in any part, employees performing their regular duties, but in addition thereto are paid sums for reporting their associates?

Mr. KELLEY. Not one.

Commissioner GARRETSON. Not one?

Mr. KELLEY. Not one man who is working in any plant—we have not—who gets an additional dollar because of any such service; and I wouldn't want it.

Commissioner GARRETSON. Nor do you exercise any surveillance over the man in his social relations?

Mr. KELLEY. No, sir.

Commissioner GARRETSON. Or his home life?

Mr. KELLEY. No, sir.

Commissioner O'CONNELL. If these men see one of the men intoxicated—frequently intoxicated—would they report it to anybody?

Mr. KELLEY. Well, I don't know of any man whose duty it would be to report that fact, beyond this proposition, that it is the duty of the timekeeper if, when a man applies and turns in his time or reports for work, if he is intoxicated, of course, the timekeeper would immediately notify the foreman. It would be the duty of the foreman, if he saw an intoxicated man at the mouth of the shaft, to send him home, or the shift boss if he discovered it. But it is not any man's duty to go about looking for intoxicated men.

Commissioner O'CONNELL. Around the town, I mean.

Mr. KELLEY. Oh, no; oh, no.

Commissioner GARRETSON. You recognize that as a duty of administration, and not of surveillance?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Do you make any investigation of the men that make application to the employment office for these rustling cards—any physical examination?

Mr. KELLEY. No; we don't; but it was one thing we had in mind that might become necessary in the event of compensation legislation.

Acting Chairman COMMONS. Then there is no physical examination of employees that are sent to work?

Mr. KELLEY. No, sir.

Acting Chairman COMMONS. Do you have a system of sick and eccident benefits for employees?

Mr. KELLEY. No, sir. No; nothing that you would call a system. I believe that the company extends help as readily as any employer wherever it knows of any deserving need.

Acting Chairman COMMONS. Who has charge of the rendering that help—what officer of your organization?

Mr. KELLEY. Well, it is in the claim department primarily.

Acting Chairman COMMONS. Who is that?

Mr. KELLEY. Mr. Madden, who is subpœnaed before you.

Acting Chairman COMMONS. Is there any benefit society?

Mr. KELLEY. Well, I think all of these organizations—unions—have sick benefits.

Acting Chairman COMMONS. Sick and accident benefit?

Mr. KELLEY. I am not sure about accident benefit.

Acting Chairman COMMONS. Does the company contribute to these funds in any way?

Mr. KELLEY. To the funds of the union? No.

Acting Chairman COMMONS. For benefit purposes?

Mr. KELLEY. No.

Acting Chairman COMMONS. Does the company have hospitals that it operates?

Mr. KELLEY. No; the company has no hospitals. Hospitals have been established here, but they are not owned or operated directly by the company.

Acting Chairman COMMONS. What arrangement does the company have with these hospitals?

Mr. KELLEY. Well, the hospitals—a contribution is made by the men. One dollar a month is deducted from the wages of the employees. That supports the hospital; and then they receive attention at the hospital in the event of sickness or injury.

Acting Chairman COMMONS. Is that required of every employee, a part of his employment contract, that he should contribute his dollar?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And how much attention does that entitle him to in case of sickness or accident?

Mr. KELLEY. Well, I think he is entitled to medical service.

Acting Chairman COMMONS. Free of any additional cost or charge?

Mr. KELLEY. Yes, sir.

Commissioner O'CONNELL. Does that apply to his family?

Mr. KELLEY. Well, I think it does in some instances. I am not sure about that. As a general rule; no.

Acting Chairman COMMONS. Well, then, does the company designate the hospital to which this dollar of each man shall go?

Mr. KELLEY. It designates it in this way, that there are two large hospitals here in Butte and only two; they do the business.

Acting Chairman COMMONS. And either one of them is eligible. The money is collected by the men?

Mr. KELLEY. No; the money is not collected——

Acting Chairman COMMONS. Collected by the company?

Mr. KELLEY. Yes, sir; and turned over to the hospital.

Acting Chairman COMMONS. In what way is it turned over to the hospital?

Mr. KELLEY. Turned over to the hospital by check.

Commissioner LENNON. Half to each one, divided equally between those two hospitals?

Mr. KELLEY. Well, that has been the aim of the company to divide it equally between the Sisters' Hospital and what is known as the Murray Hospital, but at times that gets out of line, because where it can't be avoided, unless the men themselves have a preference for one of the hospitals, we don't like to have more than one hospital to one mine. We want to have one hospital designated for each mine, so that we don't have to look up and see whether the fellow is paid to this hospital or to the other.

Acting Chairman COMMONS. If a foreman discharges a man, is that final?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. The employment office does not listen to any appeal?

Mr. KELLEY. No; it is final, but not permanent, if that is what you mean.

Acting Chairman COMMONS. Well, I am trying to get at what a man's status is after a foreman has fired him.

Mr. KELLEY. Well, he takes out another card and looks for another job.

Commissioner O'CONNELL. Well, if he thinks he has been unjustly discharged, is there any person that he can appeal to?

Mr. KELLEY. No, no; there is not. The discharge of the foreman or shift boss is final.

Commissioner GARRETSON. Do you mean to say that the unions have no——

Mr. KELLEY. Oh, yes.

Commissioner GARRETSON (continuing). Means whereby they take up these things?

Mr. KELLEY. If a man was unjustly discharged, I suppose the union would take it up. It is reserved in their contract that the union may take up any matter of grievance with the management.

Commissioner GARRETSON. In fact, is that regularly done?

Mr. KELLEY. It has been done, but the occasions are rather infrequent.

Commissioner GARRETSON. Well, if they go to this foreman, as I assume they would——

Mr. KELLEY. No; they would probably go to Mr. Gillie.

Commissioner GARRETSON. Well, there is appeal, then, from the foreman, is there?

Mr. KELLEY. Oh, yes; if the union takes it up or if the man himself comes to see Mr. Gillie. Our purpose has been to absolutely encourage either the union

or any employee who felt that he had been unjustly discriminated against or unjustly treated to present his grievance. They have that right at any time.

Commissioner GARRETSON. How many instances, Mr. Kelley, have there been, we will say, in a year?

Mr. KELLEY. I don't know.

Commissioner GARRETSON. Where the men—well, I will reduce this problem, if you don't know how many cases have arisen, how many men have been reinstated in a year, through the efforts of himself individually or the committee of the union.

Mr. KELLEY. I don't know. That matter would not come to my attention. I would not say.

Acting Chairman COMMONS. I think you said that Mr. Gillie would know.

Mr. KELLEY. Mr. Gillie.

Acting Chairman COMMONS. What is your position, Mr. Gillie?

Mr. JOHN GILLIE. Manager of mines with the Anaconda Copper Mining Co.

Acting Chairman COMMONS. Perhaps you could answer the question that has just been put.

Mr. GILLIE. Yes, sir; there probably have been within a year a half dozen occasions, including those that appeal from the hospital treatment, and also appeal from the abuse of a boss.

Commissioner GARRETSON. Those were handled with the man individually?

Mr. GILLIE. Individually. We court that and let it be known that they may come to our office if they are uncivilly or unfairly dealt with by any boss in our employ.

Commissioner GARRETSON. Well, how many of them in case of discharge—we will just put it on that basis—where the man claimed he had been unjustly discharged, how many have come to you?

Mr. GILLIE. Well, I don't know, but possibly one.

Commissioner GARRETSON. What was the result?

Mr. GILLIE. The man was told to go to some other place, because it would not be pleasant for him to put him under the same boss, and he was given a job at another place. It was simply a personal matter that arose between that boss and the man, that is all; there was probably something on the outside behind it. And with reference to the hospitals, we have the same condition; that is, we ask the men to report to our office any inattention or unfair treatment that they may receive at the hospital, because we only act as the agent of the hospital in collecting the money and paying it, and so we want to see that the men get fair treatment, and will go with the men or with the relatives or whomsoever they wish to see that the treatment has been carried out.

Commissioner GARRETSON. Well, the hospital is only an incident to the man's service, and in the service you say that if he was returned there, it would be unpleasant because he didn't get along well with the boss. If a boss or foreman develops the quality of being unable to get along with his men peacefully, what do you do with him?

Mr. GILLIE. Well, he don't last.

Commissioner GARRETSON. But in the meanwhile a lot of other fellows have suffered from the mortality rate under him?

Mr. GILLIE. Well, they may have before it has been brought to our attention, but we certainly get rid of a boss who is disagreeable or can't get along peaceable with his men.

Commissioner GARRETSON. Have you ever gone in after getting rid of a boss of that kind, have you ever gone back and looked up whether other men have been unjustly discharged by him growing out of that very feature?

Mr. GILLIE. Well, we have when there has been any strenuous complaint, numerous complaints.

Mr. KELLEY. In other words, where we have fired him.

Commissioner GARRETSON. It would not be apt to be very strenuous unless it was made by the representatives of the unions; it would not be hardly classed as strenuous?

Mr. GILLIE. Well, I mean by strenuous where there is a great number.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. As I understand it, then, such complaints as there are, or appeals, you might call them, from the action of the foreman are made by each individual workman who feels himself aggrieved, and they are not made to you by any representatives or by any committee of the union?

Mr. KELLEY. But they can be.

Mr. GILLIE. They can be and have been.

Acting Chairman COMMONS. Well, out of these six or seven that have been brought to your attention, how many have been brought by the union?

Mr. GILLIE. Oh, probably two or three, and more particularly in connection with the trades-unions.

Acting Chairman COMMONS. And not miners?

Mr. GILLIE. And not the miners; no, sir.

Acting Chairman COMMONS. Have there any been brought by the miners?

Mr. GILLIE. Oh, possibly within a few years there may have been one or two. It would not average one a year, I know, and I think that there has been perhaps in four or five years—there have been one or two cases.

Acting Chairman COMMONS. What are the unions that have brought complaints?

Mr. GILLIE. What unions?

Acting Chairman COMMONS. What unions; yes.

Mr. GILLIE. Why, those—principally machinists, boiler makers, or some one of the trades-unions who have a better opportunity, being in daylight, to see whether a man has been abused or not, and there is always a shop committee who take care of those things. But the occasions are very rare in which we are appealed to for reinstatement of a man.

Acting Chairman COMMONS. Well, would there likely be any appeals under your system? Your system apparently leaves it to each foreman to decide for himself, and if a man has been fired by one foreman then the only chance under your system of his having any justice done to him in case there is injustice would be to look up some other foreman who is equally powerful and controlling.

Mr. GILLIE. Well, naturally he would go to other foremen with which there was nothing against him, and many of them return even after the unpleasantness wears off.

Commissioner O'CONNELL. Mr. Kelly, can you give us an estimate of the amount of money that is paid per month to the hospitals or the amount of money that is collected by this $1 a month?

Mr. KELLEY. Well, that would be directly proportionate to the number of employees of our company when operating normally—between nine to ten thousand dollars here in Butte.

Commissioner O'CONNELL. Between nine and ten thousand dollars a month?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Does the company endeavor, in addition to that, to contribute anything to those hospitals?

Mr. KELLEY. No, sir.

Acting Chairman COMMONS. It would in accident cases, wouldn't it; where it is responsible for the accident?

Mr. KELLEY. Not to the hospital; it does to the man.

Acting Chairman COMMONS. Oh, it pays the man?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. Then, he takes care of himself?

Mr. KELLEY. That dollar a month takes care of it, absolutely, in the hospital; you see he gets medical attention, his room, and his meals.

Acting Chairman COMMONS. Can you furnish us with a statement of the amount of money that has been paid in the last year—for the past two or three years—on account of accidents to employees?

Mr. KELLEY. I could furnish that to the committee, but I would prefer not to.

Commissioner O'CONNELL. Is there not a systematic method by which a man is paid when he is off? Suppose a man breaks his leg, for instance, and he is off for 10 weeks with it; outside of the medical attention he gets at the hospital what is the method by which he is compensated for the loss of time?

Mr. KELLEY. The Anaconda Co. has been practically upon a compensation basis for the last 14 years, to my knowledge; and during that time has compensated practically every man who received any injury. Its method of handling the business is through a claim department, and that department is run somewhat differently from the ordinary claim department, as I understand it.

If a man is injured and he has a family we endeavor to look after the family first. We do not pursue the man; do not go after him for any settlement at all. When a man is out of the hospital we endeavor to get him back to work as soon as possible; and upon the presentation of a claim an allowance is made—settlement is not made dependent upon legal liability, although legal liability would of course be one factor that would be taken into consideration

in determining the amount which would be paid; whether the man is married or single; the number of dependents in his family and the general conditions; and we endeavor to make an equitable settlement, all other factors being taken into consideration. This statement will be disputed by some of the lawyers who will later appear, as I see from the program.

Commissioner GARRETSON. How satisfactory has that turned out to be to the injured man?

Mr. KELLEY. I believe that it has been absolutely as satisfactory as the relation between employer and employee can turn out anywhere on earth.

Commissioner GARRETSON. How many suits were brought, for instance, in the last two years?

Mr. KELLEY. I would not say how many. I don't know as I can tell you. I can get that for you. But I want to be as emphatic in it, and I think among the employees of the Anaconda Co. as good a feeling prevails on that account as can be possible between employer and employee anywhere.

Commissioner GARRETSON. How many verdicts have been rendered against the company in that time?

Mr. KELLEY. Personal injury verdicts?

Commissioner GARRETSON. Yes.

Mr. KELLEY. None. I do not know how many suits have been tried. How many [addressing Mr. Evans], Mr. Evans?

Mr. EVANS. We have only tried one in three or four years, the Anaconda Co. We have had verdicts against some of the subsidiary companies.

Mr. KELLEY. I am talking about the Anaconda. Probably one case, and when you consider the hazard of the business, not many.

Commissioner GARRETSON. Do you say that the Anaconda Co. have only been sued once in two years?

Mr. KELLEY. One case tried, I said. I think there have been verdicts rendered.

Commissioner GARRETSON. What has been the fate of the others where an action was brought?

Mr. KELLEY. Many of them have been settled by compromise with the attorneys and the——

Commissioner GARRETSON. After the action was brought; that is, and before it came to trial?

Mr. KELLEY. After; yes.

Commissioner GARRETSON. Well, then, it was ordinarily settled not on the scale of your method of compensation, but on something above that, as a rule?

Mr. KELLEY. I would question that statement.

Commissioner GARRETSON. Was not your method of compensation open to the man before he brought suit?

Mr. KELLEY. In some instances; in some instances the advance agents of the attorneys who make it their principal occupation to make—bring that character of litigation, met the man before he has had an opportunity to come to the claim department; and obtain possession of the case in the first instance.

Commissioner GARRETSON. You are not able to keep them out of the hospital, these advance agents out of the hospital?

Mr. KELLEY. We don't try to, we don't wish to enter into competition for the securing of the action, and, as a rule, they can make a fair settlement.

Commissioner GARRETSON. We can get data with regard to those claims from the records, I understand?

Mr. KELLEY. Yes.

Acting Chairman COMMONS. Have you made any comparison as to what would be the probable cost of compensation for accidents under a compensation law and the present cost according to the system that you have just now described?

Mr. KELLEY. We have endeavored to make such comparison. Of course, they are more or less uncertain because of the very many factors that must be taken into consideration. I believe that upon the basis of what I think would be a fair compensation law there would not be any very great difference. I believe that upon the basis of a compensation law which would create a political bureau and throw the entire cost of administration upon employers, the difference would be very great.

Commissioner GARRETSON. Are you familiar with the cost of administration in these countries where it has been in effect?

Mr. KELLEY. Not particularly.

Commissioner GARRETSON. Do you know of the German system—what the administration cost is?

Mr. KELLEY. I have not figures at the present time in mind.

Commissioner GARRETSON. Not to exceed 12 per cent?

Mr. KELLEY. Twelve per cent of the fund.

Acting Chairman COMMONS. To carry your own insurance, that don't insure the employer?

Mr. KELLEY. No; we carry no insurance.

Acting Chairman COMMONS. Have you figured out how you come out as compared with what terms you could make with insurance companies?

Mr. KELLEY. Well, yes, in this way, that originally one of these mining companies—the Boston & Montana Co.—carried insurance, employers' liability insurance, to which both the company and the employee contributed. And after we had had statistics compiled for a number of years, some of them—the Anaconda and the B. & M., for instance—we were in a position to make a comparison, and the general operations were about the same; and we figured—we felt that we could do, we could make a more economic administration by doing the business ourselves, and a more satisfactory one, for the reason that we could take the payment of the money; we found that the insurance companies were prone to contest cases, and where they did refuse payment suit was brought in the name, against the company, against the mining company, although we might have used our good offices in endeavoring to get the insurance company to settle. We felt also that the money which went for attorneys, doctors, and officials of insurance companies could more profitably be directed by us directly to the people, and in that way——

Commissioner GARRETSON. Do you make the statement that the employers pay part of the liability cost?

Mr. KELLEY. No; that is not the statement; I say that there was an insurance policy.

Commissioner GARRETSON. In what industry is that common, Mr. Kelley?

Mr. KELLEY. They don't pay part of the company's part, but they themselves carry insurance.

Commissioner GARRETSON. Oh, that is another problem.

Mr. KELLEY. The company also carries insurance.

Commissioner GARRETSON. But the way you phrased it originally was misleading. You said that they bought their liability of an insurance company and the employers paid part of the cost; I think that was the exact language you used.

Mr. KELLEY. What I should have said was this, that the employees of the B. & M. Co. were insured; they had insurance of their own.

Commissioner GARRETSON. Oh, well, that is another matter.

Mr. KELLEY. We had insurance of our own, and we paid in addition part of their insurance.

Commissioner GARRETSON. That was entirely different, as I understood you to state it.

Mr. KELLEY. I want to correct it, then.

Commissioner GARRETSON. If that was not what you meant, I want you to have the opportunity to correct it, because it is something I have never come across in all the years that I have dealt with problems of that kind.

Mr. KELLEY. They had their own insurance policy that they paid for. We insured our liability, and in addition we carried part of their insurance for them.

Commissioner GARRETSON. Are you familiar with the figures of the average commission, or of the commissions that have investigated this question, as to how much out of each dollar paid by the employer reaches the injured employee under the liability systems in existence, or the insurance systems?

Mr. KELLEY. Well, in a general way I have seen those figures.

Commissioner GARRETSON. Out of every dollar that you as an employer pay, from 33 to 34 cents of that dollar gets to the injured man?

Mr. KELLEY. That is one reason why I believe it is far better to have the employer deal directly with the employee and give him one hundred cents on every dollar that the business has to stand.

Commissioner GARRETSON. Well, is not that the object of workmen's compensation legislation?

Mr. KELLEY. It should be the object.

Commissioner GARRETSON. To save the attrition that wears down the dollar before it gets to the man.

Mr. KELLEY. It should be the object of the legislation, but I doubt if under some plans that is the result.

Commissioner GARRETSON. Well, in some it may, but in the betterment.
Mr. KELLEY. Yes, sir.
Commissioner GARRETSON. It undoubtedly would be the result?
Mr. KELLEY. It should be; yes, sir.
Acting Chairman COMMONS. The commission will now stand adjourned. Mr. Kelley, you will resume the stand at 2 o'clock.
(At 12.10 o'clock p. m., an adjournment was taken until 2 o'clock p. m., of the same day, Thursday, August 6, 1914.)

AFTER RECESS—2 O'CLOCK P. M.

Acting Chairman COMMONS. The commission will come to order. Mr. Kelley, take the stand.

TESTIMONY OF MR. C. F. KELLEY—Continued.

Acting Chairman COMMONS. There were some things called for this morning that you wish to speak about?
Mr. KELLEY. I think you asked for the copy of the law, the 8-hour law.
Acting Chairman COMMONS. Yes; as to what occupations it applied to.
Mr. KELLEY. Yes, sir. It appears there was an act passed in 1897 that was applicable to hoisting engineers; that is section 1731 of the Revised Code of 1897. I suppose it would be sufficient merely to give the reference?
Acting Chairman COMMONS. Yes, sir.
Mr. KELLEY. And in 1903 there was a second act passed applicable to hoisting engineers in which there was a division made on the horsepower of the engine or size of the engine as a classification; that is found in section 1734. In 1901 there was an act passed applicable to all men working in underground mines; that is found as section 1736; and at the same time an act was passed applicable to men working in smelters, stamp mills, sampling works, concentrators, and other institutions for the reduction of ore. That is designated as section 1737.
In 1907 an act was passed constituting eight hours a day's work on all undertakings carried on or aided by any municipality, county, or State government; that is designated as section 1739.
In 1907 what is known as the 16-hour law was passed, applicable to railroad employees; that is designated as section 1741.
Commissioner GARRETSON. That was simply a copy of the Federal act?
Mr. KELLEY. Yes, sir.
Commissioner GARRETSON. In almost all its provisions?
Mr. KELLEY. Yes, sir.
Commissioner GARRETSON. Those were all the 8-hour enactments, were they?
Mr. KELLEY. Yes, sir; except the railroad——
Commissioner GARRETSON. Except the hours of service act, as it is called?
Mr. KELLEY. Yes, sir; in the railroads.
Acting Chairman COMMONS. You had another statement that you were going to bring.
Commissioner LENNON. Those agreements.
Mr. KELLEY. Those agreements are being copied. We had copies of the 1912 but not of the 1907, and that is now being made. There were some other matters asked for that I have been unable to get during the brief interval of the noon hour.
Commissioner GARRETSON. I would like to ask if it is possible to get one other copy. This is for purposes of comparison. You spoke of the fact that there were two general forms in effect in regard to transfer of title in the town sites—or in the town site here. Can you readily furnish a copy of each of those two general forms? You said there were a number different.
Mr. KELLEY. Yes.
Commissioner GARRETSON. But there were two general forms in effect.
Mr. KELLEY. Perhaps I should have stated that better, Mr. Garretson, if I made no references to form, but if I said that the obligation—respective obligations of the grantor and grantee——
Commissioner GARRETSON. Yes.
Mr. KELLEY (continuing). Assumed one of two forms.
Commissioner GARRETSON. There you have it.
Mr. KELLEY. They may have been differently phrased. I don't know that there is any standard phraseology used. And I should perhaps correct a state-

ment to which my attention has been called during the noon hour in that particular matter. I said here this morning that the company here owned no houses. What I intended to convey was that the Anaconda Co. did not make any practice of building company houses and renting them to employees. It is a fact, however, that in acquiring necessary ground for mining operations we have, as independent transactions, purchased property upon which there was or may have been some houses constructed. And those houses have been rented irrespective of whether the occupants were employees or not.

And I also wish to make this qualification to another answer where I said there was no obligation as between grantor and grantee in these conveyances that would prevent the grantee from securing damages in the event of injury because of underground operations. We have occasionally picked up some tract of land with a house on it that was adjacent to mining operations, where it was necessary to secure it in order to carry on our operations, and in some cases where there has been merely a nominal consideration for such a house, or where we have voluntarily donated real property for the building of churches or matters of that character, we have imposed an obligation that there shall be no damage secured by reason of mining operations, irrespective of whether the damage is caused by surface or not. The matters that I intended to cover this morning were the general status.

Commissioner GARRETSON. These are exceptions in each case and not the rule?

Mr. KELLEY. That is it. I wish also to correct a statement inadvertently made this morning to the effect that the Amalgamated Co. did not own the stock of any other company in Montana except that of the Anaconda Co. It does own the capital stock of the Big Black Foot Milling Co., a corporation which formerly operated the sawmills that supply these mines with timber. Those sawmills have been conveyed directly to the Anaconda Co., and the Anaconda Co. owns the physical title.

Acting Chairman COMMONS. Mr. Kelley, in reference to the hours of labor, is there any provision regarding Sunday work, about employment on Sunday, in your agreements or in your practice?

Mr. KELLEY. As a general rule, not. The regular employment includes Sunday labor. I think that—well, I think that is the general rule.

Acting Chairman COMMONS. What is the practice about letting men off on Sunday?

Mr. KELLEY. Well, ordinarily every second week is change day, and a good many of the change days the men are not employed and as a rule there would be no serious objection to any man laying off Sunday.

We would like, if it was agreeable—I will state my own position about that: I would be very much in favor of Sunday closing if it could be brought about and was desired by the employees. We find, however—as a matter of fact—that, I think, would create a good deal of opposition. I think most of the men would prefer to work on Sunday.

Commissioner GARRETSON. Right there I would like to ask you one question.

Mr. KELLEY. I wanted to finish that answer or statement by suggesting that it might be a difficult matter in the smelters to do that, where the smelters must run continuously and require constant operation.

Commissioner GARRETSON. Outside of that one fact, would the business in general suffer a great deal from regular cessation on Sunday?

Mr. KELLEY. Well, I think it would suffer to some extent.

Commissioner GARRETSON. Well, would it suffer enough, in your opinion, to more than equalize—well, we will call it the physiological benefit for want of a better term.

Mr. KELLEY. Well, I really haven't figured that out in dollars and cents, but I think that it would be a desirable thing to bring about, if the cost wasn't out of all reason.

Commissioner GARRETSON. I assume from your position that you are a believer, as most men are that have given a study to the subject, than any animal, including man, is better off for rest one day in seven?

Mr. KELLEY. Yes, sir; I think that is a matter that should be brought about.

Acting Chairman COMMONS. Has the union at any time asked the company for a Sunday off, or one day in seven?

Mr. KELLEY. Not to my knowledge. That matter has never been discussed at all.

Commissioner GARRETSON. From your knowledge of their attitude of the subject do you think the members would generally be opposed?

Mr. KELLEY. Well, I don't know that I have sufficient information to make that statement. I believe that to be true, without having made any specific inquiry into it.

Commissioner O'CONNELL. Would the records show that the employees who do take a day off take it on rather a week day than a Sunday?

Mr. KELLEY. I haven't that information on that.

Commissioner O'CONNELL. We went through a set of books a few days ago that would indicate just that thing.

Mr. KELLEY. Yes.

Commissioner O'CONNELL. That the men took a day off, usually they work Sundays and their off days were some other days in the week. That was pretty generally the rule. What effect has the matter of your operating on Sunday on the attendance on churches, sunday schools, and things of that character in the community?

Mr. KELLEY. Well, of course the men who are employed Sunday morning have no opportunity of going to Sunday morning service. I think usually there is either the afternoon or evening service. As a matter of fact, I think that the general church attendance in Butte, of all denominations, is very good.

Commissioner GARRETSON. What is the general attitude of the ministerial union, if there is such a thing here, toward Sunday labor?

Mr. KELLEY. I have never discussed it with them.

Commissioner GARRETSON. It has never been a mooted question?

Mr. KELLEY. No.

Acting Chairman COMMONS. What is the system of changing shifts every two weeks on Sunday; how do you double up?

Mr. KELLEY. Well, the day shift works until noon, and then the shift that was off the previous—that was out the previous night comes on. That is the way it used to be. Mr. Gillie can answer that question properly.

Mr. GILLIE. The shift that had been employed during the previous two weeks on night shift work until half-past 2 or 3 o'clock on Sunday morning; then there is no shift comes out until Monday morning excepting when there is a requirement, an extraordinary requirement, for ore, then or some other condition, or there may have been a lay off in the mine.

Acting Chairman COMMONS. Then the night shift works 16 hours?

Mr. GILLIE. The night shift then comes on at 2.20 or 3 o'clock in the morning, goes to work Monday morning at 8 o'clock.

Acting Chairman COMMONS. One shift works 16 hours?

Mr. GILLIE. No, sir; no shift works 16 hours. The night shift went on Saturday evening at 6 o'clock, and worked the 8½ hours—that is, including the half hour for lunch—until 2.30 in the morning, and comes off and does not go to work again on change Sundays until Monday morning at 8 o'clock.

Acting Chairman COMMONS. Then it has 36 hours off?

Mr. GILLIE. Yes, sir.

Commissioner GARRETSON. But that is only on break Sundays?

Mr. GILLIE. A change Sunday.

Commissioner GARRETSON. Take it through the week, do you work two shifts or three?

Mr. GILLIE. Two generally. Sometimes work three where we are sinking a shaft, a small per cent, 4 or 5 per cent, and working three shifts.

Commissioner O'CONNELL. Then there is really a closing down of operations every second Sunday?

Mr. GILLIE. Practically so, unless there have been some interruptions.

Commissioner O'CONNELL. How many workmen does that affect of the total? Of course the smelters are running and all that, where you have furnaces?

Mr. GILLIE. It affects practically all underground men, unless certain repair men. It does not affect mechanics or hoisting engineers or men of that character; they are on regularly.

Commissioner O'CONNELL. How long has that arrangement of having that extra Sunday off been in existence—this present method?

Mr. GILLIE. Since the eight-hour law and before that always. It has always been two weeks on and two weeks off ever since the district has been worked—on two shifts. There has always been a change Sunday off every second Sunday.

Commissioner O'CONNELL. When the men change to working regularly every seven days, is there any advantage in that that they may get a day off or day to stay at home, or do they work steadily the same part of the day the year around?

Mr. GILLIE. They usually work the same.

Commissioner O'CONNELL. There is no change in the time with them?

Mr. GILLIE. No, sir.

Commissioner O'CONNELL. The men working certain parts of a night, does that continue the same?

Mr. GILLIE. There are very few of that position.

Mr. KELLEY. The men that don't change are all on the day shift.

Commissioner O'CONNELL. What I wanted to get at is this, because this is a very important matter to us because we have just gone through a very peculiar matter where it was up, and it was suggested they should do just what you are doing, and it was said that wouldn't operate there. What I want to get at is what per cent of your total number of employees have a second Sunday off or every other Sunday off so that they can at least have a day's rest every second Sunday and stay at home or go to church or play ball or do what they please on the second Sunday.

Mr. GILLIE. I could not say accurately, but I would say 80 per cent of them.

Commissioner O'CONNELL. Won't that apply not on every second Sunday, but every fourth Sunday? It will affect half of the men on one of the breaks while the other one is really laying off, it will be a little short where they lap inside of each other?

Mr. GILLIE. No, sir; it affects the whole crew if you lay off both shifts.

Commissioner O'CONNELL. As I understand, every second Sunday the mine is practically shut down?

Mr. GILLIE. Except for repairs and things like that. As a matter of fact the weather conditions here and the condition of places of amusement and so on and opportunity for enjoying amusement about nine or ten months of the year are limited, with the result that the men are anxious to work 31 days a month, if you will give it to them.

Commissioner O'CONNELL. That may be true. You hitch a horse to a wagon and he will pull until he falls down, if somebody does not say "whoa"?

Mr. GILLIE. Yes; but he does not do it of his own accord, and they do.

Commissioner LENNON. Do I understand you work two shifts every day?

Mr. GILLIE. Yes; with a majority of the men.

Commissioner LENNON. Then, are the mines shut down the other eight hours or do they come back on again?

Mr. GILLIE. They are down. We divide the time in order to give a chance for ventilation and blowing out of gases and so on.

Acting Chairman COMMONS. What unions do you have agreements with besides the miners' union?

Mr. KELLEY. We have agreements with practically all unions that are employed. As I recall now, we have agreements with the blacksmiths, machinists, electrical workers, engineers, carpenters, painters, boilermakers, ironmolders, ironworkers, rope men, teamsters, and all of the different classes that are employed.

Commissioner GARRETSON. I suppose there are train-service organizations also?

Mr. KELLEY. That is an independent organization.

Commissioner GARRETSON. I know, but through your railroad?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Does your company or subordinate companies operate any coal mines?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. You have agreements there?

Mr. KELLEY. We have agreements there with the United Mine Workers.

Acting Chairman COMMONS. Where are those mines?

Mr. KELLEY. One mine is at Washoe, in the southeastern part of Montana; one at Lochree, in the northern part of Montana; and at Diamondville, in the State of Wyoming.

Acting Chairman COMMONS. About how many mine workers are employed in the coal mines?

Mr. KELLEY. That varies somewhat, one thousand to twelve hundred men.

Acting Chairman COMMONS. You have written agreements with the coal-mine workers—United Mine Workers?

Mr. KELLEY. Yes, sir; I think we have in practically all of their districts; they have agreements with the operators. As I understand it, the United Mine Workers work under a district plan and sign up agreements with the operators operating in each district.

Acting Chairman COMMONS. And you are a member of the operators' association?

Mr. KELLEY. Yes, sir; not having any separate agreement with them.

Acting Chairman COMMONS. You have no separate agreement with them?

Mr. KELLEY. No, sir; the rate that applies to all operators applies to us—all operators that do business with the United Mine Workers.

Acting Chairman COMMONS. How long has this policy been prevailing with making agreements with the other unions besides the miners?

Mr. KELLEY. Well, locally that came into force at the same time that our first contract with the miners' union was had in 1907.

Acting Chairman COMMONS. 1907?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. The company at that time made these various agreements?

Mr. KELLEY. The various agreements with all trades. I think there was one or two at that time that were opposed to making term contracts, and they didn't come in.

Acting Chairman COMMONS. Do these other unions have clauses in their agreements providing for taking up grievances of its members?

Mr. KELLEY. Yes, sir. In every contract there is a clause that nothing contained in the contract shall prevent the taking up and considering of grievances at any time.

Acting Chairman COMMONS. That is in all contracts?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. That it can be taken up at any time?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. What has been the policy with reference to employing exclusively members of the union in these different agreements or working under these agreements?

Mr. KELLEY. Well, in the different agreements jurisdiction of the different lines of work is conferred upon the different unions, and the unions themselves have seen to it that the men employed were union men. Wherever anybody refused to join the union, and it was called to the attention of the company, the employee refusing has been discharged.

Acting Chairman COMMONS. In other words, the attitude of the company has been favorable to the employment of union men exclusively?

Mr. KELLEY. Very decidedly. I should like to say in that connection that I don't know of any place where the employers have taken a more favorable attitude toward organized labor than they have in this locality. I think that that is the reputation that has been enjoyed here for a great many years.

I think it has been due very largely to the fact that most of the men who have had to do with the operation, with the Anaconda Co. at least, are men who have been raised in a union atmosphere, and who believe in the principle of organized labor, and I may say that it has uniformly been the policy of our company to do business with organized labor and we prefer that as a matter of policy.

Acting Chairman COMMONS. And consistent with that you feel that you do not—you give the preference to the union man and even discharge men——

Mr. KELLEY. This has been an absolutely closed shop in that respect.

Acting Chairman COMMONS. Closed shop—not open, but closed?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. That is not in the agreement, is it?

Mr. KELLEY. Except to the extent in the agreement we recognize the jurisdiction of the union. For instance, in our agreement with the structural ironworkers or machinists or engineers, we recognize their jurisdiction over the men that may be employed in that particular vocation, and, of course, that necessarily means we must employ nobody except the members whom the union sanctions.

Acting Chairman COMMONS. The actual process consists in the union officer representing to you that some person is not a member of the union, who is eligible and has been invited to join and who refused to join, is that the way?

Mr. KELLEY. Yes, sir; they have walking delegates or business agents or officers who look after that.

Acting Chairman COMMONS. In case a man has not been paying dues, do they give similar notice?

Mr. KELLEY. Yes; if he becomes ineligible, if he is no longer a member in good standing.

Acting Chairman COMMONS. If he has allowed his dues to lapse, they report him?

Mr. KELLEY. Yes, sir; that has been the practice.

Acting Chairman COMMONS. And each time they report a man for not paying dues, what would be the next step to such man?

Mr. KELLEY. Notify the man to get in good standing or quit.

Acting Chairman COMMONS. In the history of your connection here with the organization and business has that occurred frequently?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. You have been called upon frequently to do that?

Mr. KELLEY. Yes, sir; Mr. Gillie would be more competent to give you that information than myself, but I know that has been done. The trades, the international crafts, exercise a greater supervision over their men than the miners' union does. As a matter of fact, the miners' union probably never had more than perhaps 75 or 80 per cent of the men in the union working in the mines. But in the trades crafts, working on the surface, in shops, where they can be gotten at and reached, every man belongs, and we probably have, oh, not to exceed three or four complaints a year that a man would not get in good standing.

Acting Chairman COMMONS. How do you account for that difference of the unions—they presumably have the same policy and requirements?

Mr. KELLEY. Differences between the miners' union?

Acting Chairman COMMONS. The miners' union has an international also.

Mr. KELLEY. It is pretty difficult to reach all the miners. A man would come in town and he would go to work at one of our mines and perhaps the agent of the miners' union might learn of him, and might not. He might come down and join the union of his own accord; he might work six months or a year before he would be found out; if his partner did not report him or they found out some other way why he would continue to work.

Acting Chairman COMMONS. So that you think it is the difficulty of keeping the tab on the men that has caused the miners——

Mr. KELLEY. Yes; to a great extent, and they dodge the paying of dues, many of them I know, notices have been posted on our shaft house, for instance, that on a certain date every man working in the mine must present his card. Now, the miners' union delegate would be there to see the cards of the men that go down; the men that did not have cards would lay off.

Acting Chairman COMMONS. Would that be regular, is that a monthly occurrence?

Mr. KELLEY. No; it is not monthly. No; that was done at stated times. They did not do that monthly. Occasionally they would post a notice at a shaft and say the employees, miners going down this shaft must present their cards before going on work on a certain date, and the representative of the union would be there to inspect the card. Men have laid off. We know that. We are always short a few men when such a notice was posted.

Commissioner GARRETSON. Are your shift bosses' lists at the disposal of the representatives of the union?

Mr. KELLEY. No.

Commissioner GARRETSON. Nor your pay roll?

Mr. KELLEY. No.

Acting Chairman COMMONS. In case a man is causing trouble in the mine, or an agitator, do you make any distinction in the matter, Mr. Gillie, retaining in your employee such men?

Mr. KELLEY. That matter would be one we would probably hear of so little that I would say as a rule, no.

Acting Chairman COMMONS. Who would decide on that, the foreman?

Mr. KELLEY. Yes; but I do not know of that occurring. As a rule, there is a very small amount.

Acting Chairman COMMONS. The foreman would get rid of such a man?

Mr. KELLEY. He might and might not; there is no rule about it at all.

Acting Chairman COMMONS. It would be left to you; there is no general policy that would be true in case a man was a Socialist; if he should discharge a man for being a Socialist would you or the company or your central employment office know anything of the matter?

Mr. KELLEY. No.

Acting Chairman COMMONS. It would be simply a matter of the foreman?

Mr. KELLEY. That is true.

Acting Chairman COMMONS. And if it came to you, if it came up at all, it would come up by way of appeal to Mr. Gillie?

Mr. KELLEY. I suppose so; yes, sir.

Acting Chairman COMMONS. Have you ever had any appeals on that ground, Mr. Gillie, of men being discharged for being agitators or anarchists or Socialists?

Mr. GILLIE. We had one general appeal that was made by a committee from the union for discharges of a number of men at one time here. That is the only instance that I know of.

Commissioner GARRETSON (addressing Acting Chairman Commons). What was the number that was discharged?

Acting Chairman COMMONS. What is that?

Commissioner GARRETSON. What was the number that was discharged?

Acting Chairman COMMONS. You ask the question.

Commissioner GARRETSON. How many men were discharged in that instance?

Mr. GILLIE. About 140, I think.

Commissioner GARRETSON. That was here in Butte?

Mr. GILLIE. Yes, sir.

Commissioner GARRETSON. Has there been a like instance in Anaconda?

Mr. GILLIE. Not to my knowledge; no, sir.

Commissioner GARRETSON. There has not been a larger number than that discharged at any one time?

Mr. GILLIE. No; I don't think there has been anything near like that. Mr. Mathewson, our manager, is here, and he can tell you.

Commissioner GARRETSON. What was the allegation in that instance where those hundred-odd men were discharged? On what ground, what ground was set up?

Mr. GILLIE. Well, an undesirable class, I would say.

Commissioner GARRETSON. How is that?

Mr. GILLIE. An undesirable class.

Commissioner GARRETSON. I didn't get that last word.

Mr. GILLIE. I say an undesirable class of employee.

Commissioner GARRETSON. Oh, "class."

Mr. GILLIE. Yes.

Commissioner GARRETSON. Were they all of one belief?

Mr. GILLIE. Well, I don't know what their belief was, but—we didn't know, of course—of men that are of one belief, because we put——

Commissioner GARRETSON. Well, I don't mean religious belief, I mean political belief.

Mr. GILLIE. Well, I don't know about their policy.

Commissioner GARRETSON. Was it their political or social opinions that made them undesirable?

Mr. GILLIE. Well, their general community living conditions.

Commissioner GARRETSON. Then, it was part of it conduct?

Mr. GILLIE. Conduct and their——

Commissioner GARRETSON. And avowed opinion, social opinion?

Mr. GILLIE. Yes, sir; as well as their undesirability as citizens of the community.

Commissioner GARRETSON. What were they, Socialists?

Mr. GILLIE. I don't know.

Commissioner GARRETSON. Well, I wonder, if you don't know what their belief was, how you know it was undesirable?

Mr. GILLIE. I don't mean their belief, their method of living.

Commissioner GARRETSON. Oh, then, it was purely conduct, and not belief?

Mr. GILLIE. Well, it is—their assembling here, or their living in habitations the way they do live and the conducting of saloon matters and their social conditions generally.

Commissioner GARRETSON. By whom were these men designated?

Mr. GILLIE. By whom were they designated?

Commissioner GARRETSON. Yes.

Mr. GILLIE. Why——

Commissioner GARRETSON. Who made the investigation in regard to the conduct, if not belief; or, if belief entered into it, in regard to the belief?

Mr. GILLIE. Well, I will tell you as a matter of——

Commissioner GARRETSON. And who furnished the—who made up the list?

Mr. GILLIE. Well, I will tell you, as a matter of fact there was no disposition to lay off that number of men, but when there was information given to some of the foremen that a few men were undesirable people, why they exer-

cised a larger right and did—and went a good deal further than was expected.

Commissioner GARRETSON. They "socked" it to everybody?

Mr. GILLIE. With the result that we reinstated more than two-thirds of those people within two or three days.

Mr. KELLEY. That is right; I think it is fair to say that that was a misinterpretation, and it was remedied almost immediately.

Commissioner GARRETSON. What was it, 150 in the original instance?

Mr. GILLIE. About 140.

Commissioner GARRETSON. One hundred and forty, and two-thirds of them were personally immediately returned to the service?

Mr. GILLIE. Yes, sir; within a very short time.

Mr. KELLEY. I think they all did, ultimately.

Mr. GILLIE. They all did, ultimately—well, not ultimately, but most of them.

Acting Chairman COMMONS. What year was this?

Mr. GILLIE. Three or four years ago.

Mr. KELLEY. Something like that.

Commissioner GARRETSON. I wondered how the men were identified, that was all, in the original instance, as undesirable, because the other day we had the problem put up to us that the question of a man's religion was a matter of identification. And we could not tell why a dead Mohammedan looked any different from a dead Baptist.

Acting Chairman COMMONS. Mr. Kelley, what attention has the company given the subject of tuberculosis in the mines—miner's consumption—and what activity with reference to decreasing it?

Mr. KELLEY. The matter of tuberculosis has been one that has been investigated from time to time and an effort made to ascertain what, if any, causes connected with the occupation of the men were conducive to it, and those causes, when ascertained, have been remedied.

Acting Chairman COMMONS. Have you compiled any statistics or figures which would indicate the extent of tuberculosis——

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Amongst the employees?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. Is that available so that you could furnish it to us?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And does it show the number of deaths during a period of years?

Mr. KELLEY. Yes, sir.

Acting Chairman COMMONS. And you will give the death rate, will you?

Mr. KELLEY. How? I beg your pardon.

Acting Chairman COMMONS. Give the death rate, rate per thousand employees, or anything of that kind?

Mr. KELLEY. Well, I think it does. If not, we can readily furnish that. I may say this to the commission, that we have been intensely interested in the subject of tuberculosis and have had ourselves in addition put in possession of information concerning the investigations of others. And while we realize that there may be, and probably is, an intimate relation between the occupation and the disease, we feel that our investigation shows that in the cases here in Butte there is a closer relationship between the manner and method of living in certain neighborhoods, certain insanitary conditions, that are beyond the power of the employer to rectify.

These tests, I may say, have taken the line of investigating thoroughly sanitary conditions above and below ground, of having analyses made of the air, water, and the passageways underground, and of also making a house to house survey of the district in examination of the death records and the health records for the purpose of ascertaining the houses and the locality of the disease. And all matters of that kind have been gone into quite thoroughly.

The general subject of mine ventilation, upon which I would prefer Mr. Gillie to dwell, if it was gone into in detail, as I think it should, has been one that we have given a great deal of attention to.

I think at the present time, in addition to the natural draft that is created by reason of differences in elevation and temperature underground, that we are forcing into these mines at least a million cubic feet of fresh air a minute. I remember that our charge last year against ventilation alone amounted to something like $275,000.

I know that it has been the opinion of competent investigators—I mention Dr. Tuttle, who was secretary of the State board of health; Prof. Hoffman, who made an examination for the Prudential Life Co.; and Dr. Lansey, of the United States Bureau of Mines—that every possible effort that could be made in that direction was being made.

And I would like very much to extend and do extend to the commission an invitation to go through our surface plants, our underground workings, or both. We would like to have you go through them and see what we are doing in that respect.

Now, then, I don't know how far you want to go into this matter, but I will state as a general proposition that it is the result of investigation that the tuberculosis underground we feel is not communicated underground, but is communicated upon the surface. We believe, in the first place, that the sulphides in the ores and that the sulphuric acid in the waters that flow underground in these copper mines are of themselves germicides. That is undoubtedly true, because of the utter lack of diseases common to mining which prevail in other mining communities and of which we have none here.

And it is likewise true that the analyses will show that the air underground has upon the whole a percentage of oxygen that is in excess of what any of the authorities require before air is regarded as vitiated. It is also true that the carbon dioxide is less than was found in many surface rooms. We do find that in certain localities in the city the living conditions are not good, and there is an overcrowding in the sleeping apartments—there is not enough free air.

Commissioner GARRETSON. Is that racial?

Mr. KELLEY. It refers—to some extent; yes, sir. There is not enough oxygen or free air to accommodate the occupants. That it is also a question to some extent of susceptibility, the ratio differing according to nationality; that is tabulated. And we found what is particularly conducive to enlightenment upon the subject, that the area of tuberculosis in the city is restricted within well-defined limits, and that outside of an area which the health records indicate, the average rate of tuberculosis in this community is not any higher than it is in what are regarded as the most healthful cities in the State, notwithstanding the fact that those localities are populated almost entirely by miners.

For instance, you can take in this community a Maltese cross that would be represented by a line up and down Main Street and east and west on Broadway, and outside of that cross, which would contain suburbs such as Meaderville, Walkerville, and parts of Centerville, where the population is made up entirely of miners, the death rate, or tuberculosis rate, is not in excess of what it is in cities like Missoula, Livingston, and other places in the State.

Within this area which is undoubtedly the area of infection and which is inhabited to some extent by people who are particularly susceptible either because of their natural tendencies or method of living to tuberculosis, the rate is high. These statements of mine, which I make generally, are substantiated in detail by the figures which we have.

Commissioner GARRETSON. Have any agencies, municipal or State, made any effort or exercised any power to correct those conditions in the area to which you refer?

Mr. KELLEY. To some extent; yes.

Commissioner GARRETSON. But not far enough that there has been any result?

Mr. KELLEY. I think not.

Commissioner GARRETSON. Worked out yet?

Mr. KELLEY. I think not.

Commissioner GARRETSON. Now in regard to this ventilation and the efforts that you have made underground, is it not a fact that, contrasted with other mine propositions, your conditions, some of the conditions that exist in your mine, were so naturally, I mean now, so bad, that corrective measures become an absolute necessity in many cases?

Mr. KELLEY. That is absolutely not true.

Commissioner GARRETSON. It is not?

Mr. KELLEY. I do not believe that there is anywhere in the world in mining districts where the conditions are or have been as good underground as in the Butte district.

Commissioner GARRETSON. I should like to see you and other gentlemen we listened to the first part of this week in the same room.

Mr. KELLEY. I should love to be there. Of course it is true that to a certain extent conditions have improved, because our knowledge of those things and the

method of securing appliances to relieve them within the past few years has made great progress. The utilization of electric power, by which we can take a fan of enormous capacity and place it on an air shaft, attach a motor to it, and get it working, those things have helped wonderfully; and we have taken advantage of them as fast and as rapidly as we have known how.

Commissioner GARRETSON. We have had represented to us within the immediate past that the conditions in a mine which existed in the locality were so far ahead of any other that that in itself will really constitute a fair compensation for working there without any pay, and by contrast the conditions in mines here were often referred to.

Mr. KELLEY. Well, I should simply feel like congratulating the other operator, without acknowledging it is true at all, the basis of his comparison. There is not any occupation which is free from difficulty. And underground mining to my mind—I have been associated with it all my life—is one of the hardest, most dangerous, and difficult occupations. I do not mean to paint a picture that working underground in any mine is any paradise or any snap. But I do feel that in so far as the occupation is concerned that we have been, we are trying to do, and we are willing to do whatever can be done reasonably, practicably to alleviate the condition.

Commissioner GARRETSON. Well, I personally agree with you to this extent. While I have inspected a number of mines, I would say this to you: While I appreciate the kindness of your invitation to go down, I am not going to accept anybody's but the undertaker. He is the only man who is going to get me underground.

Mr. KELLEY. Well, I think that if you will take the number—I do not want to harp on the question of the casualties that is incidental to underground mining—I think if you will take our statistics and make a basis of comparison with any mining district, you will find it is about as safe here as anywhere. It is not——

Commissioner O'CONNELL. I was just going to ask you that question, Mr. Kelley. Will we be furnished by some one here, or can you furnish us a statement showing the accidents, casualties, and so on for the period of a year or two years or some such a matter?

Mr. KELLEY. Yes, sir.

Commissioner O'CONNELL. And the number of cases that have been attended to in the hospital here from the miners?

Mr. KELLEY. I have no doubt the hospital can furnish you that record. We could not, because we are only one company.

Commissioner O'CONNELL. What I want to compare is what the men are getting for this dollar per month they are paying as compared with some similar information that has been furnished us?

Mr. KELLEY. I have no doubt that the management of the hospital would be very glad to take you through if you can find time.

Commissioner O'CONNELL. I presume they keep a record of the cases.

Mr. KELLEY. You want a list of our casualties in the last five years?

Commissioner O'CONNELL. Yes.

Mr. KELLEY. I will give it to you, and also the number of shifts worked.

(See Kelley Exhibit No. 5.)

Commissioner O'CONNELL. Yes; so that we can get the basis or proportion between the accidents and the number of people employed.

Acting Chairman COMMONS. Will you file the report of this investigation on tuberculosis, or a summary of it?

Mr. KELLEY. I haven't but one copy of this report. I would be very glad to have a copy of this made and furnished to the commission. It is the only copy I have.

Acting Chairman COMMONS. It represents this investigation that you have been speaking of?

Mr. KELLEY. Yes; this one investigation, the last and most complete. This investigation was made under the direction of Dr. Tuttle, secretary of the State board of health, and in it he had probably five or six assistants besides men who were running the laboratories, and so forth. It is a summarized report. The entire report is extremely voluminous, but I can give you the summary of his report.

Acting Chairman COMMONS. Yes.

Mr. KELLEY. And I will be very glad to do it.

(See Kelley Exhibits Nos. 8 and 11.)

Acting Chairman COMMONS. Have you anything further, Mr. Kelley, that you care to mention?

Mr. KELLEY. I would like, if the commission has time, that Mr. Gillie should make a statement concerning the ventilating and sanitary methods.

Commissioner GARRETSON. I would like to ask Mr. Kelley one or two more questions. You replied to a question early in your statement as to the relations of Amalgamated and Anaconda?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. That the Amalgamated did not, in one sense, was I think the qualifying phrase you used, control or dictate the action of the Anaconda?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. How many directors are of the Anaconda?

Mr. KELLEY. Seven directors.

Commissioner GARRETSON. How many of them are represented on the Amalgamated?

Mr. KELLEY. Let us see. We have, I think, three common directors.

Commissioner GARRETSON. Three interlocking?

Mr. KELLEY. Yes.

Commissioner GARRETSON. And does the fourth represent Amalgamated interests, although not being a common director?

Mr. KELLEY. Well, I perhaps had better explain it this way: In fact, the Amalgamated Copper Co. can elect the whole board of directors and control Anaconda. What I meant to convey to you was that in the actual operations the Amalgamated Co. as such does not direct operations.

Commissioner GARRETSON. Still it is an undoubted fact that when the board of directors of Anaconda meet, their action is in accord with the desires of Amalgamated?

Mr. KELLEY. I haven't any doubt about that, sir.

Commissioner GARRETSON. That is one point I wanted to touch on.

Mr. KELLEY. I would rather put it this way, that if there was any conflict between—there has not been—but if there should develop any conflict between the board of directors of Anaconda and the board of directors of Amalgamated, I suppose that Amalgamated could exercise its power and put in certain directors.

Commissioner O'CONNELL. Because of its control of the stock?

Mr. KELLEY. Yes.

Commissioner GARRETSON. In making your reports to the State of Montana—that is, your reports for assessment—the phrase was used that under the law one of the elements of taxation is the product, the production is taxable. Is that exactly synonymous with the report that you make to the Commissioner of Internal Revenue under the income-tax law? There are other elements that enter into the State report?

Mr. KELLEY. Yes.

Commissioner GARRETSON. And that would naturally form the base of an income-tax report?

Mr. KELLEY. They would practically be synonymous with this exception, that there would be a difference, due to difference in period. They would not be identically the same report, as one would be for the calendar year, and the other would be for the——

Commissioner GARRETSON. For the contemporaneous period covering it they should present exactly the same elements?

Mr. KELLEY. Exactly, except for the differences in exemptions and things of that kind.

Commissioner GARRETSON. Now, in making up that report which you stated was made by deducting from gross income the cost of operations?

Mr. KELLEY. Yes.

Commissioner GARRETSON. Is there a line drawn between maintenance or betterment, which are two distinctly separate things—bear in mind they have been interpreted in the railway reports.

Mr. KELLEY. Yes.

Commissioner GARRETSON. And that replacement does often occur under the guise of maintenance?

Mr. KELLEY. Well, I stated this morning, Mr. Garretson, that that might be regarded maintenance and what might be regarded replacement, you can not make a general answer to that, because certain principles entered into the interpretation of those terms, but the State provides what we may deduct.

Commissioner GARRETSON. Yes.

Mr. KELLEY. That is the continuous factor.

Commissioner GARRETSON. Well, bear in mind what you say that it can't be done, it was because the railway companies took the position that it could not be done, that they were required to make the reports, keeping those items separate, not under their own interpretation but under the interpretation of the commission.

Mr. KELLEY. Exactly; and if you will pass, or if any authorized body will pass a law that will define these terms, then we can have a uniform practice; but where those terms are not legally defined it is very often a question which is maintenance or whether it is something else.

Commissioner GARRETSON. In the hands of, we will say, an unscrupulous manipulator of accounts, one term or the other might be like charity, covering a multitude of sins?

Mr. KELLEY. That is true, but——

Commissioner GARRETSON. Now, do you believe—this is what I want to know: Do you believe that for corporations of the magnitude, we will say, yours, that either Federal or State supervision to deal with just such details as that and place all such corporations on a parity with each other would be reasonable and desirable?

Mr. KELLEY. I will answer that in this way: That whatever is applicable to all corporations no one could find fault with. Now——

Commissioner GARRETSON. You want to bear in mind, I have no more beliefs than you that it should be played against one or against the other.

Mr. KELLEY. I believe that to a certain extent regulation and supervision is extremely desirable. I do not believe it is desirable when it gets to the point that the Government undertakes to run your business for you instead of permitting you to run it for yourself.

Commissioner GARRETSON. In other words, you believe, then, that when regulation reaches the stage——

Mr. KELLEY. Management.

Commissioner GARRETSON (continuing). Where it might create a deficit, that then the power that created the deficit should at least be responsible for the deficit?

Mr. KELLEY. Yes, you might put it that way. I believe that when a corporation——

Commissioner GARRETSON. Do not think now I am preaching Government ownership, because that is what it amounts to.

Mr. KELLEY. I believe this, that no corporation can cheat itself very long without paying the penalty. I do not believe in making a bookkeeping profit at the expense of your capital stock, or your shareholders, or your employees. I do believe in making a proper depreciation charge, a proper maintenance charge, but just how those shall be made and what it shall amount to is a matter which is pretty hard to answer generally. In this particular instance, I want to say, however, that the items which go against gross income are fixed and determined, I think with reasonable accuracy, I think with as much accuracy, as could under any form of supervision. And I want to insist upon this proposition before the commission, because it may be attacked, that the net proceeds return on mines is a return that is based absolutely on a hundred cents to the dollar. There is no 33⅓ per cent valuation, or 50 per cent valuation about that. Every dollar that is made from the sale of metals pays the tax, and that is the only property in the State of Montana or elsewhere that I know of that pays on an absolute basis of 100 per cent value.

Commissioner GARRETSON. Except realty in the form of small homes?

Mr. KELLEY. Well, that does not apply here. I do not know how it may apply elsewhere.

Commissioner GARRETSON. In most States?

Mr. KELLEY. It does not apply here.

Commissioner GARRETSON. Real estate in the form of small homes?

Mr. KELLEY. I think it comes nearer than any other, except our own business. I want to make this further statement: I want you to understand at this time this proposition, that I would be glad to come back at any time, if the matter becomes involved in this discussion, as it may, I am prepared to demonstrate that the Anaconda Co. is paying a higher valuation and greater taxes than any other citizen of the State that I know of.

Commissioner GARRETSON. That is all.

Mr. KELLEY. I will endeavor to get these supplemental matters and file them as soon as possible.

Acting Chairman COMMONS. Mr. Clarence Smith.

Mr. KELLEY. I did want Mr. Gillie to say a few words upon sanitation and ventilation, if you are interested.

Acting Chairman COMMONS. Suppose we take that up later. I have called the next witness now.

Mr. KELLEY. All right.

TESTIMONY OF MR. CLARENCE A. SMITH.

Acting Chairman COMMONS. Give your name and address to the reporter.

Mr. SMITH. Street address? Clarence A. Smith, 1114 South Arizona Street.

Acting Chairman COMMONS. State your present occupation.

Mr. SMITH. I am manager of the Socialist Publishing Co. and acting mayor at the present time.

Acting Chairman COMMONS. How long have you been acting mayor?

Mr. SMITH. About 30 days.

Acting Chairman COMMONS. What position did you hold by election?

Mr. SMITH. Member of the city council and president of the city council. By virtue of being president of the city council I act as mayor in the absence of the mayor.

Acting Chairman COMMONS. When were you elected?

Mr. SMITH. In April, 1913.

Acting Chairman COMMONS. Were you connected with the city government prior to that?

Mr. SMITH. Yes; I was first assistant treasurer for two years.

Acting Chairman COMMONS. When were you elected?

Mr. SMITH. That was an appointive position. I was appointed to the position May, 1911.

Acting Chairman COMMONS. Going back further, what was your first connection with the city government?

Mr. SMITH. That was my first connection with the city government.

Acting Chairman COMMONS. How long have you been connected with this publication—the Socialist publication?

Mr. SMITH. Since December, 1910. Not in exactly the same capacity, however, as at present.

Acting Chairman COMMONS. What publication do you refer to? What are the publications? Is it a printing office or a newspaper office?

Mr. SMITH. Both newspaper office and printing office. We print the Butte Socialist and the Montana Socialist, two separate publications.

Acting Chairman COMMONS. How long have those papers been published?

Mr. SMITH. The Butte Socialist was established in December, 1910. The Montana Socialist, September, 1912.

Acting Chairman Commons. How long have you been connected with the Socialist Party?

Mr. SMITH. Since June, 1902.

Acting Chairman COMMONS. Which wing?

Mr. SMITH. Why, at that time there was only one. In fact, at the present time there is only one Socialist Party in Butte. It was known in 1902 as the Socialist Party of America. It had just a short time previous to that been reorganized at Indianapolis—the Socialist Democratic Party and the Socialist Party had merged at a convention in Indianapolis previous to my joining the party.

Acting Chairman COMMONS. Have you been active as an organizer of that party?

Mr. SMITH. Not as an organizer. I have been more or less active as a member of the party during all of that time.

Acting Chairman COMMONS. And what national conventions have you attended?

Mr. SMITH. Why, I attended the national convention at Indianapolis in 1913, and I was a visitor at the convention in 1904. I have attended two national committee meetings, I believe.

Acting Chairman COMMONS. Are you a member of the national committee?

Mr. SMITH. No; I am not; not now.

Acting Chairman COMMONS. What labor organizations are you affiliated with?

Mr. SMITH. None at present. I am not eligible to membership in the labor organizations.

Acting Chairman COMMONS. You are not connected with any national organization?

Mr. SMITH. Not at this time.

Acting Chairman COMMONS. Except the Socialist Party?

Mr. SMITH. That is correct.

Acting Chairman COMMONS. What others have you been connected with?

Mr. SMITH. I became connected with the Knights of Labor in June, 1893, and I remained a member of that organization until 1898, when the local to which I belonged organized as the local of the Western Labor Union, which was organized in Salt Lake City in 1898. I remained a member of that organization, which later changed its name and jurisdiction to the American Labor Union, until 1905, when the Western Federation of Miners and the Western Labor Union and several other organizations formed the Industrial Workers of the World in Chicago. Shortly after that——

Acting Chairman COMMONS. Were you a delegate to that meeting?

Mr. SMITH. Yes; I was one of the representatives of the American Labor Union at that meeting.

Acting Chairman COMMONS. What has been your connection with that organization, the I. W. W., since?

Mr. SMITH. I remained a member of the local in Butte, in which I held my membership until, I think, some time in 1907, when my occupation took me outside of the jurisdiction of the union.

Acting Chairman COMMONS. So that you lapsed membership in the I. W. W.?

Mr. SMITH. Yes.

Acting Chairman COMMONS. Are you not now a member of that organization?

Mr. SMITH. No.

Acting Chairman COMMONS. How long have you lived in Butte?

Mr. SMITH. Since September, 1900.

Acting Chairman COMMONS. Has your occupation been that of a newspaper man or publisher.

Mr. SMITH. Well, my occupation has been more or less along newspaper lines since I was 17 years old. There has not been more than three or four years during that time that I have not been employed in one way or another with newspapers.

Acting Chairman COMMONS. Has your occupation kept you in touch with the labor conditions in Butte?

Mr. SMITH. Well, I will say with reference to that that when I came to Butte, in 1900, as secretary-treasurer of the Western Labor Union, the organization that I speak of as having been formed in conjunction with the Western Federation of Miners, and I remained in that position until the organization was merged into the I. W. W. Headquarters in Butte.

Acting Chairman COMMONS. I am speaking now particularly of the local labor situation since 1900; have you been acquainted with the local labor situation?

Mr. SMITH. Yes; I have been pretty closely connected with it since that time. Not officially, as a member of the Socialist Party, but the party is in very close affiliation with the local labor organizations.

Acting Chairman COMMONS. When did the Socialists first become a factor in the labor-union movement of this place?

Mr. SMITH. Well, I should say that the Socialist Party became a serious factor in the labor movement here as early as 1902. I do not mean to say by that that the party principles and policies dominated the movement at that time, but it had a strong influence in the movement at that time.

Acting Chairman COMMONS. How has its influence increased? Has its influence increased during that time?

Mr. SMITH. Its influence has increased gradually and continuously since that time.

Acting Chairman COMMONS. Among the membership of the miners' union?

Mr. SMITH. Among the membership of, I should say, nearly all unions in Butte.

Acting Chairman COMMONS. Nearly all of the unions?

Mr. SMITH. In Butte; yes.

Acting Chairman COMMONS. When did the Socialists first put up candidates for office in the town or city of Butte?

Mr. SMITH. They had a city ticket in 1900. Their first county ticket was in 1902. The city ticket was named in 1903, the following spring.

Acting Chairman COMMONS. When was the first election in which they were successful in the election in the county?

Mr. SMITH. In April, 1911. Did you say in the county?
Acting Chairman COMMONS. In the county.
Mr. SMITH. They elected an alderman in 1903.
Acting Chairman COMMONS. About when was the next election?
Mr. SMITH. Well, we had no greater strength than a representative from that ward until the election of April, 1911, when we elected all of the general officers of the city and five of the eight aldermen who were elected at that time.
Acting Chairman COMMONS. Then the later elections; what has been the growth of the vote and of the party?
Mr. SMITH. Well, I mean going on from the election of 1911—in the campaign of 1912 the discharge of these Socialists on the hill had a strong influence in that campaign.
Commissioner GARRETSON. That was the incident referred to in previous testimony?
Mr. SMITH. Yes. But the intimidation upon the voters generally because of that discharge, and the reasons that were openly given for discharging the men, together with a coalition of the Democratic and Republican Parties in that campaign resulted in our defeat, in spite of the fact that our party polled a greater vote than either of the other parties.
We elected only one alderman in 1912. In 1913—I should come from 1912, from the spring election to the county election, that was a very strenuous campaign between the Socialist Party and the Democratic Party of this county. I may say on the face of the returns the Socialists were beaten. Very close vote, however.
Acting Chairman COMMONS. That is the fall of 1912?
Mr. SMITH. Yes, sir.
Acting Chairman COMMONS. What next?
Mr. SMITH. 1913, a year ago last spring, the party again elected or reelected all of its general officers and seven of the nine aldermen. There was one vacancy to be filled. We elected all of the general officers and seven of the nine aldermen to be elected.
Acting Chairman COMMONS. That is the present——
Mr. SMITH. That is the present complexion of the city council.
Commissioner GARRETSON. I would like to ask one question right there. You used a peculiar phrase a moment a moment ago, "On the face of the returns."
Mr. SMITH. Yes, sir.
Commissioner GARRETSON. What lies behind that?
Mr. SMITH. I don't know that it is worth while——
Commissioner GARRETSON. That is dead now?
Mr. SMITH. We believed that nearly all of our candidates were elected. I am not able to prove it to you, though.
Commissioner GARRETSON. I didn't know whether you meant that or not.
Commissioner O'CONNELL. Isn't that pretty generally true of the defeated candidate usually?
Mr. SMITH. No, sir; I don't believe it is. That is the only election we have ever contested in the city or county.
Commissioner O'CONNELL. You did contest?
Mr. SMITH. Yes, sir.
Commissioner O'CONNELL. You had a recount?
Mr. SMITH. Yes, sir.
Commissioner O'CONNELL. What was the result of the recount?
Mr. SMITH. The result of the recount followed very closely to the vote as shown in the election. I may say in connection with this, however, that a number of the sacks containing the ballots were opened—showed they had been opened when the recount came.
Acting Chairman COMMONS. To go back to the relation of the Socialist to the miners' union, will you follow that out a little further the same way you have the city election? Have the Socialists elected their people to positions in the miners' union and has there been an effort to do so to get control both of the union and of the city and county governments?
Mr. SMITH. I don't think the commission could understand that very well without going briefly into the—I have here a list of the officers of the miners' union some place. I wish to say that the issue between the Socialist Party and the opposition in the miners' union has not been strictly a party question; in fact that applies to some extent to the political situation here. The Socialist Party, since the fall campaign of 1910, when considerable strength was shown, has been recognized in this city and county as the active opposition to the in-

fluence of the mining corporations in both economic and political organizations in this city and county. Both economic and political reasons. For that reason the support of the Socialist Party in miners' union elections, as well as in the political campaign, has come largely—not very largely, but to some extent—from persons who were not well-grounded Socialists; you understand, it has simply been a question as to a division of the people, as to whether this community should be dominated by mining corporations both in labor organizations and in the city and county governments or by the people themselves. That is a reason I don't want the record to show as coming from me, that the fight for control of the officers in the miners' union has been a political question simply.

Commissioner GARRETSON. You mean a large number of people voted with the Socialists politically and fraternally because they were at variance with certain conditions which they thought the Socialists were the best means of correcting?

Mr. SMITH. That is the idea.

Commissioner GARRETSON. When you speak of the influence, the increasing influence of the Socialists in the miners' union, do you mean the regular card Socialists or the sympathizers?

Mr. SMITH. I meant the influence which exhibited itself in the vote for officers of the miners' union and in matters of that sort.

Commissioner GARRETSON. How has that influence or that effort developed during these years since 1902?

Mr. SMITH. I thought I had a list of the officers here that would indicate that. Now, in the election of 1907 the active opposition to what is commonly known here as company control of the miners' union caucused before the election and nominated candidates and were successful in electing some of them, among whom was one Flynn as president of the miners' union.

Acting Chairman COMMONS. Just mention, while you are there, the different positions in the miners' union which are subject to election.

Mr. SMITH. Well, the important positions are the president, vice president, recording secretary, financial secretary, and executive committee. I believe there are other minor positions—warden, and so forth—but those are the important positions.

Acting Chairman COMMONS. Other positions are appointed by the executive committee?

Mr. SMITH. Yes; such as walking delegates and assistant secretaries. I believe that some assistant secretaries are elected also.

Acting Chairman COMMONS. Well, now, you may continue.

Mr. SMITH. Yes. In 1909; in the election in the miners' union in 1909 the so-called anticompany ticket was successful. A very large vote was cast. Dan Sullivan was elected president.

Commissioner O'CONNELL. Have you the vote there?

Mr. SMITH. No; I haven't the vote.

Commissioner O'CONNELL. You say a very large vote was cast. What percentage was the vote of the total membership?

Mr. SMITH. That can better be answered by some of the members of the union at that time. I should say my recollection is that about 3,000 votes were cast at that election, probably 50 per cent of the membership, which is a large vote of the miners' union. Now, in the year 1911, the following election, the same ticket was successful; that is, the anticompany ticket won then, too. After that, in 1912, what we commonly call the company crowd—and I don't wish to cast any reflection upon any one at all, but that is the only way we can designate things here, and the only way we do designate them to those who understand the situation—in 1912 what was known as the company crowd was again successful. And since that time they have retained control of the officials of the miners' union.

Commissioner O'CONNELL. That is, you mean the local miners' union?

Mr. SMITH. The local miners' union.

Commissioner O'CONNELL. No. 1.

Mr. SMITH. Yes.

Acting Chairman COMMONS. That is, the election of 1909 and 1911 were similar in their results, is that it?

Mr. SMITH. Yes.

Acting Chairman COMMONS. Was there an election in 1910?

Mr. SMITH. Yes; 1909 and 1910 and 1911.

Acting Chairman COMMONS. Three years?

Mr. SMITH. I believe that Sullivan was elected twice, if my recollection is correct; in 1909 and 1910.

Acting Chairman COMMONS. Did this faction, whatever you call it—the antis—did they have control of all the offices?

Mr. SMITH. I believe that they did. There may have been a minor office or two.

Acting Chairman COMMONS. Was there any change in the policy of the union as the result of those three years of control?

Mr. SMITH. Why, there was a considerable change with regard to the policy of the union. It was during the legislative session of 1911 an attempt was made by the officials of the union to influence State legislation in favor of better ventilation and safer conditions in the mines.

Commissioner O'CONNELL. How about its influence upon the policy of the company?

Mr. SMITH. Well, I may say that the influence of this organization, or the fact that the policy of the union had been changed, together with the further fact that the anticompany element had secured control of the city government and threatened control of the county government and State legislators from this county, had the effect of making the company very bitter toward the Socialists in this county, if that is the question that you ask.

Commissioner O'CONNELL. Then you encouraged their hostility rather than anything else, as I catch it?

Mr. SMITH. Well, I may answer that by saying that any influence that tends to interfere with the control of the company encourages the hostility of the company.

Acting Chairman COMMONS. The control was lost in 1912, then, was it; the election of 1912?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. What was the vote at that time, and what were the reasons for its loss of control? Had you not been able to accomplish the program?

Mr. SMITH. Well, I would prefer that that question be answered by some of the miners themselves. It is generally believed that the judges of election, who were elected on a ticket opposed to the incumbents at that time, largely influenced the result.

Commissioner O'CONNELL. Was the effect of the administration—city administration of the Socialist Party when in the city hall—as I understand there were one or two years you were in control of the offices of the city government?

Mr. SMITH. Yes.

Commissioner O'CONNELL. What had been the result of that control?

Mr. SMITH. We have been in control since 1911, and are still in control.

Commissioner O'CONNELL. 1911?

Mr. SMITH. What do you mean by the result?

Commissioner O'CONNELL. Well, what had been the—I take it that before you were in control, from the time you spoke about—1902 and 1903, because you disagreed with the situation in the city, the administration of the city, the political parties that were running the city, and so on, you set toward getting control of the city government yourselves, the Socialists? Now, what has occurred by the Socialist Party since then in the city hall, as you say, as an improvement over what was being done by those who were in power before you?

Mr. SMITH. Why, I can't say that for the economic advancement of the workers themselves that a great deal has been accomplished, except that the health conditions have been greatly improved in the city during that time. That is the biggest thing that the Socialists have done here in my judgment.

Commissioner O'CONNELL. The health conditions?

Mr. SMITH. The health conditions in the city have been vastly improved.

Commissioner O'CONNELL. For instance?

Mr. SMITH. As, for instance, as shown in the diminished death rate from communicable diseases and from contagious diseases.

Commissioner O'CONNELL. And what was done to lessen the ratio of deaths?

Mr. SMITH. The better cleaning of the city, a systematic and practical disposal of garbage, and that sort of thing, enforcement of sanitary regulations. I think that has been probably the most important thing that has been accomplished.

Commissioner O'CONNELL. And has the cost of citizenship been reduced in any way; I mean living in the community, the owning of homes, taxation.

Mr. SMITH. No; the cost of living has not been reduced, because in the city administration that would not be possible.

Commissioner O'CONNELL. The moral condition of the city has been improved?

Mr. SMITH. The moral condition has been improved considerably.

Commissioner O'CONNELL. In what way?

Mr. SMITH. Well, the sale of liquor in the restricted district has been done away with. Saloons have been closed there for one thing, and the pianos—music has been taken out of the district. Wine rooms have been closed.

Commissioner O'CONNELL. You mean by restricted district that commonly known as the red-light district?

Mr. SMITH. Yes, yes.

Commissioner O'CONNELL. Has that been closed entirely?

Mr. SMITH. Oh, no; not closed entirely; simply the attractive features taken from it.

Commissioner O'CONNELL. The attractive features?

Mr. SMITH. The features that attracted people to it, such as music, the matter I refer to, the sale of liquor in the district; the matter of having music there nights and all that sort of thing.

Commissioner O'CONNELL. Have the hours of closing the saloons been made earlier?

Mr. SMITH. Never been any change in that respect since——

Commissioner O'CONNELL. What are the hours of closing now?

Mr. SMITH. I don't think they ever close. I have never seen them closed except on election days and such days.

Commissioner O'CONNELL. They have no keys at all?

Mr. SMITH. I wish to say that the first time I recollect the saloons ever having been closed in this community is on election days since the Socialists have had control of the city government.

Commissioner O'CONNELL. Well, is that by choice of the saloon keepers themselves or by some action?

Mr. SMITH. That is by order of the mayor of the city.

Commissioner GARRETSON. Have any civic economies been effected, either that expenditures for public works or any kindred purpose have been lowered or that you have got more for the same amount of money expended?

Mr. SMITH. Oh, yes; I don't think that is disputed seriously by anyone, that we have got better—more and better service for less money than ever before in the city.

Commissioner GARRETSON. Has any special privilege heretofore enjoyed by any interest been curtailed in any degree, or has it ever been alleged that they had any special favor?

Mr. SMITH. Yes; there are special privileges enjoyed, but they are secured through State legislation entirely. The city is powerless in the matter of things of that kind.

Commissioner GARRETSON. City's charters, then, aren't the source of the things complained of?

Mr. SMITH. No. I don't know what the line of questioning is, but since we touched upon that matter of discrimination I should like the record to be a little fuller than it is through the testimony of Mr. Kelley.

Acting Chairman COMMONS. Of discrimination?

Commissioner GARRETSON. You mean against men for beliefs?

Mr. SMITH. Yes.

Acting Chairman COMMONS. The Socialists. Well, you were connected with the Socialists, and I presume you could speak of your own knowledge.

Mr. SMITH. Yes.

Acting Chairman COMMONS. On the subject.

Mr. SMITH. I could speak of my own knowledge and I have a copy of a paper that we issued, a special issue of a paper that we got out immediately after the discharge of these men on the hill.

Acting Chairman COMMONS. You might file that.

Mr. SMITH. It will give references.

Acting Chairman COMMONS. Kindly have the reporter mark it.

Mr. SMITH. I want to see if it is all here. I see it has been torn, some of it. Yes; I guess it is all here.

(The paper referred to, entitled "The Butte Socialist," volume 2, No. 8, dated Butte, Mont., March 28, 1912, was submitted in printed form.)

Mr. SMITH. The statement beginning on the first page is the important one. Now, will you copy that and return it, or how about it?

Acting Chairman COMMONS. File it as an exhibit?

Commissioner GARRETSON. Is that your only copy?

Acting Chairman COMMONS. Is that your only copy?

Mr. SMITH. I don't know. I telephoned to the office. I don't know whether we have another copy or not.

Acting Chairman COMMONS. Now, you may state, if you will, your interpretation of that situation.

Mr. SMITH. Well, I simply want to state that men were discharged because they were known to be active members of the Socialist Party. I have the words of the men themselves that they were told that when they were discharged.

Acting Chairman COMMONS. What year was this, 1912?

Mr. SMITH. 1912, yes.

Acting Chairman COMMONS. How many of them were discharged?

Mr. SMITH. It was stated here that one hundred, a hundred odd.

Acting Chairman COMMONS. A hundred and twenty.

Commissioner GARRETSON. One hundred and forty.

Mr. SMITH. One hundred and forty.

Commissioner GARRETSON. That is correct, isn't it?

Mr. SMITH. My recollection is that our estimate of the number at that time was between 300 and 400.

Acting Chairman COMMONS. Well, then, they were reinstated, some of them. What proportion, or what number were reinstated?

Mr. SMITH. I could not say as to that how many were reinstated. Quite a number left town. Others who were the most active members of the party, who failed to secure reinstatements—positions were found for them in the city under the city government. Others failed to secure employment of any kind. One man that I could refer to here is Ole Kolstead who was a repair man at the St. Lawrence mine for 20 years, was discharged. He was told that if he would sever his connection with the Socialist Party he could stay at work. He refused to do that, and he was discharged. I may say that after that Mr. Kolstead failed to secure employment, and tried to go into business for himself. I helped him to some extent, but he failed through lack of experience or capital, and later tried to commit suicide. He didn't succeed at that. I believe he is in the insane hospital now. I am not certain whether he died there during the last winter or not. This is one of a number of such cases.

Acting Chairman COMMONS. Your statement of 300 or 400 is based on enumeration?

Mr. SMITH. Based on enumeration and an estimate made at the time by members of our party.

Acting Chairman COMMONS. And your statement regarding the number that were not reinstated, on what do you base that?

Mr. SMITH. Well, that I would not be able to say, as to the number that were not reinstated, because, as I said, many left town.

Acting Chairman COMMONS. How many, of your own knowledge?

Mr. SMITH. Were not reinstated?

Acting Chairman COMMONS. Yes.

Mr. SMITH. Oh, I think I could safely say 20 of my own knowledge who remained here.

Acting Chairman COMMONS. And those that left town?

Mr. SMITH. And others that left town; yes.

Acting Chairman COMMONS. How many that left town?

Mr. SMITH. Well, that would only be a guess; if I should attempt to say that, I should say a hundred left town.

Acting Chairman COMMONS. And the number that were reinstated you don't know?

Mr. SMITH. No; I could not answer that; I could not say as to that.

Acting Chairman COMMONS. Well, would you want to say that the number was—in view of what has been said, that the number was more than 140 that were removed on this occasion?

Mr. SMITH. Yes; I believe, I firmly believe that more than 300 were discharged at that time for that reason.

I may add this, however, that it is my judgment that more were discharged than were intended to be discharged by the persons in authority; that is to say, I have reason to believe that bosses took advantage of the situation to get rid of men that they had personal grudges against. In fact I know men were discharged for being Socialists at that time who were actually not Socialists.

Acting Chairman COMMONS. Did the union take this matter up with the company?

Mr. SMITH. Yes, sir; a petition was circulated, as I remember it, for a special meeting of the union to consider this matter. The meeting was held and a committee appointed to wait on the company and demand the reinstatement of these men. This point also can probably be covered a little closer by some one who is active in the union now. The committee met with the officers of the company; the company took the position that they had the right to say who should work for them or not, without interference from anyone else. The position the company took the committee reported back, and I believe a larger and increased committee was made at that time to negotiate further with the company, which they did, and it finally resulted in a referendum vote being taken on the question of striking to support the discharged men.

Commissioner GARRETSON. To support the demand for the reinstatement of the men?

Mr. SMITH. Yes; to support the demand for the reinstatement of the men.

Acting Chairman COMMONS. You spoke of two factions in the union; which faction took this matter up; which faction was in control when this matter was taken up?

Mr. SMITH. The so-called radical faction was in control of the officers of the union at that time and they were responsible for the initiation of the move to reinstate the men.

Acting Chairman COMMONS. You spoke of one faction as radical; what is the other faction?

Mr. SMITH. Well, I don't know that the words are proper words to use, radical and conservative, because they do not properly identify the interests.

Acting Chairman COMMONS. Will you explain that a little more fully—what do you mean?

Mr. SMITH. The matter of company-controlled officers, or an officer who was not so controlled, that would be my definition of the situation.

Commissioner GARRETSON. How are they described locally? Company men or anticompany men?

Mr. SMITH. That is the generally accepted description.

Acting Chairman COMMONS. Are they also described as conservatives and radicals?

Mr. SMITH. Yes, sir; that is the phrase that the newspapers use in preference to the other—the daily newspapers.

Acting Chairman COMMONS. What is the fact; is it that the conservative men favor the company and the radicals are opposed to the company—is that your notion?

Mr. SMITH. No, sir; I should say that it is because the men who are styled conservatives by the daily papers are really representatives of the interests of the company, and that the others are representatives of the interests of the workers themselves.

Acting Chairman COMMONS. What specially have you in mind? State what your distinction is between conservative men who have in mind the interests of the company and radical men who do not. What specific act directly marks their actions? What have they done or not done?

Mr. SMITH. Well, we can go back to about the time I came here in 1900; the fight was on then for the eight-hour law in this State. The economic masters were Daly, which at that time became Amalgamated, and Clark and Heinze. The Daly interests, or Amalgamated interests, controlled the officers of the organization, and their manner of control is a matter that can be gone into later, if you wish. But just to show the difference, what is meant by company control or otherwise, I may say in spite of the fact that the Daly or Amalgamated interests controlled the officers of the union at that time, that this man Heinze, who was in a fight with the Amalgamated for the control of the courts, was able to get such a hold upon the rank and file of the workers as to win in that election, the election of 1900, and at no time, however, to my knowledge, from that time to 1908 or 1909 did the actual control of the officers of the union pass from the company.

Acting Chairman COMMONS. Generally that is the feeling of the Socialist element of the town, that the conservatives of the union are company men?

Mr. SMITH. Well, I should say that that is the feeling of the community generally; it is a recognized contest.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. Yes; one or two questions I want to ask. My attention was distracted for a moment, and I didn't hear the last questions you asked. In this eight-hour contention was there any violence whatever?

Mr. SMITH. You mean of the obtaining of the eight-hour law years ago?

Commissioner GARRETSON. Yes, sir.

Mr. SMITH. No, sir; no violence.

Commissioner GARRETSON. The rank and file of the men favored the eight-hour law, and the officers of the union opposed it; is that the history?

Mr. SMITH. The officers of the union, while not openly and actively campaigning against the eight-hour law, would not permit the union to be used in its favor.

Commissioner GARRETSON. It was a still hunt on their part it is alleged.

Mr. SMITH. That is correct.

Commissioner GARRETSON. Is politics in general—I want to phrase that in a way—you heard about Cæsar's estimate of what his wife should be, pure and above reproach?

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. Is the average politician—in politics in general in this locality, would she have any business here?

Mr. SMITH. Why, I have an idea she would be safe in the Socialist Party here, Mr. Garretson.

Commissioner GARRETSON. In that case is the Socialist Party lonesome in that respect? Are politics conducted here on a high plane, in the general opinion of the citizens themselves?

Mr. SMITH. Why, that has not been the case. I believe politics are going to be conducted on a higher plane because of laws that we have recently secured.

Commissioner GARRETSON. You are familiar with what took place in Adams County, Ohio, a short time back?

Mr. SMITH. Not very familiar.

Commissioner GARRETSON. A large number of voters were disfranchised for selling their votes.

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. What effect would it have on the electors in this locality if a like investigation should take place? Any?

Mr. SMITH. I don't think the same condition would be revealed here.

Commissioner GARRETSON. It is simply persuasion instead of money.

Mr. SMITH. Men sell their votes for jobs; that is the influence that controls.

Commissioner GARRETSON. A man that don't have jobs to dispose of would not be a political factor, is that it?

Mr. SMITH. I would put it the other way, that the man with the most jobs to dispose of would be the strongest political factor.

Commissioner GARRETSON. That is all.

Commissioner O'CONNELL. Tell me, what positions in the city administration are appointive?

Mr. SMITH. Why, the city clerk is appointed, the superintendent of streets, the commissioner of public works, and the city attorney.

Commissioner O'CONNELL. The chief of police?

Mr. SMITH. No, sir; the chief of police is really appointive, but he holds under the civil-service law.

Commissioner O'CONNELL. Chief of the fire department?

Mr. SMITH. The chief of the fire department holds in the same manner, practically civil-service regulations.

Commissioner O'CONNELL. The civil service applies to all the police department and the fire department?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. And not any other department?

Mr. SMITH. No, sir.

Commissioner O'CONNELL. Does the city operate its own waterworks?

Mr. SMITH. No, sir; no, indeed.

Commissioner O'CONNELL. That is a private corporation?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. Is that owned by the mining company?

Mr. SMITH. Why, it is by the same interests, we understand.

Commissioner O'CONNELL. But it is not as the Anaconda or Amalgamated Co.?

Mr. SMITH. No, sir.

Commissioner O'CONNELL. It is the Butte Water Co., or something of that kind?

Mr. SMITH. The Butte Water Co.

Commissioner O'CONNELL. When the administration changed as it is from the old to the new method, were all the appointive officers changed? When the last mayor, or the mayor who was elected at the last election, did he appoint all the positions he had authority to appoint?

Mr. SMITH. I believe that he did. I don't think any of the appointive officers held over except a subordinate here and there probably.

Commissioner O'CONNELL. Were all those appointments made from those men who were holding membership in the Socialist Party or from the citizenship generally?

Mr. SMITH. They were not confined to members of the party at all; in fact, we have had a city auditor for nearly four years, a man who is now a candidate for nomination on the Democratic ticket in this county, and Dr. Horst, city health officer, was retained from the old administration.

Commissioner O'CONNELL. What number of appointments were of the same party that was in power, for instance the city attorney?

Mr. SMITH. You mean what appointments were made from members of the Socialist Party when they took power?

Commissioner O'CONNELL. Yes, sir.

Mr. SMITH. City attorney, city clerk; I don't know—street commissioner, I believe those were the only heads of departments that were changed.

Commissioner O'CONNELL. Were there appointments under the chiefs of those departments?

Mr. SMITH. Yes, sir; there were appointments, some of the old-party men were retained, and others were appointed who were of other parties. The commissioner of public works, for instance—I think I had better tell you, it won't take but a minute—whether I can state all of them or not I won't be sure—the city engineer was a Republican, I am speaking of appointments made by the Socialists in 1911, the city engineer was a Republican, the health officer was a Democrat, and the city auditor was a Democrat. I believe those three heads of departments were the only heads of departments that were not Socialists. The Socialist heads of departments were the street commissioner, city clerk, and city attorney.

Commissioner GARRETSON. Right there, was there a competent engineer affiliated with the Socialist Party?

Mr. SMITH. Well, there were engineers affiliated with the party, but we didn't consider them as competent as the man who was given the place.

Commissioner O'CONNELL. Where is the mayor? Is he in the city?

Mr. SMITH. No, sir; he is in Salt Lake City at present.

Commissioner O'CONNELL. Incapacitated in some way?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. Does he reside there?

Mr. SMITH. No, sir.

Commissioner O'CONNELL. You are simply holding the position during his absence?

Mr. SMITH. Yes, as president of the council. The mayor was stabbed about a month ago.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. What party was in power in the union when the last agreement was made with the company—I should not say party, but were what you call the radical faction in power, did they hold the offices when the last agreement was made?

Mr. SMITH. I don't know as to that, and it is not of much importance, anyhow, because it was a matter of referendum vote, the matter of that agreement.

Commissioner LENNON. That is, the agreement was formulated by a committee and approved by a referendum vote, is that what you mean?

Mr. SMITH. Yes, sir.

Commissioner LENNON. Were you here this morning when Prof. Commons, the chairman, opened the session?

Mr. SMITH. No, sir; I didn't get here until about 11 o'clock.

Commissioner LENNON. He made the statement before we started in, that we were not here to undertake to settle internal quarrels or act as mediators, but to ascertain the causes of industrial unrest and report such recommendations as we might finally conclude were advisable to Congress for the amelioration of this unrest. He also stated that we would not take up any occurrence taking place on June 13 or since that date. Now, will you, or are you in position to give us an idea of the growth of the division into factions of the

miners' union in this city which caused such unrest—the division of the union as it apparently was divided prior to June 13?

Mr. SMITH. There are so many elements entering into that that I may be able to give you some idea of it. The basis for the division, I should go back, as I have stated, at least 14 years, to the time I came here, and possibly follow back from that.

I believe that the basis of the division is the matter of company interference in union affairs, I think that is the chief point of contention in the miners' union; many other things enter into it. For instance, the agitation for a better form of unionism than has prevailed in this country hitherto has probably been stronger here than any other part of the country. I believe that the rank and file of the workers in Butte have made a closer study of the matter of organization, labor organization, than is the case of any other part of the country. The feeling is pretty general here I think among those who have studied the question, and many have, that the mining industry ought to be within the jurisdiction of one labor organization, just as the operation of the mine is under the jurisdiction of one operating concern, and not split up among a number of craft organizations. The Western Federation of Miners has largely represented that idea; has represented that principle to some extent, but not wholly so. The trades here, the machinists and blacksmiths and carpenters, plumbers, iron molders, those different trades still maintain their separate jurisdictions with the company. The engineers, of course, belong to the Western Federation of Miners, but the fact that they have an organization separate has been responsible for some friction between the unions themselves at times. Well, there is that feeling on the matter of organization that has entered into it, and that brings us to the influence of the Industrial Workers of the World in this question.

Just at the time that the agitation for industrial organization was at its height here, the Industrial Workers of the World was formed in Chicago. Just about that time and while the organization, through what many of its members considered a mistaken policy, has alienated the workers of this community from it, yet the principle of industrial unionism has remained here, and the fact that the I. W. W. stood for those principles has given a sort of prestige to the organization here up to the present time.

Commissioner GARRETSON. How many member has the I. W. W. here?

Mr. SMITH. I would guess 200 members of the Propoganda League.

Commissioner GARRETSON. And in the organization proper?

Mr. SMITH. They have no organization proper.

Commissioner GARRETSON. Do you know what the number is the organization itself has enrolled?

Mr. SMITH. The general organization?

Commissioner GARRETSON. Yes, sir.

Mr. SMITH. I could only guess. If I was to guess I would say nine or ten thousand in good standing.

Commissioner GARRETSON. You are not very far off. Mr. St. John testified before the commission there was thirteen or fourteen thousand in good standing. That was in the month of June, I think.

Commissioner O'CONNELL. Is it the I. W. W. of Chicago you speak of, or this new faction of the I. W. W. known as the Detroit faction in the I. W. W.? With which faction does the I. W. W. of Butte affiliate? Do you understand the difference between the two?

Mr. SMITH. I understand the difference. The Detroit faction has no connection out West, I believe, at all.

Commissioner LENNON. What do you understand as being the difference between the two factions?

Mr. SMITH. Well, the difference between the two factions can be given as the difference between—perhaps I can get at it in a better way by telling the actual history leading up to the difference.

Commissioner LENNON. Well, just state it in a very few words. It is not a material detail as it has already been given to us.

Mr. SMITH. It won't take but a few minutes.

In the convention of 1905 the principles sought for by myself and others representing the labor unions in the Western Federation of Miners was the principle of industrial organization and organization on matters of political action, independent political action of the working classes. The I. W. W. subscribed to that but the next convention or the second convention after that,

I believe, took a stand against political action entirely—opposed absolutely to political action.

Commissioner LENNON. That is practically correct.

Mr. SMITH. And that marked the split in the organization, as I remember it.

Commissioner O'CONNELL. Some believed in contractual relations, and others absolutely not.

Mr. SMITH. I didn't understand that.

Commissioner O'CONNELL. Some believed in contractual relations or dealings with employers, and others none whatever; that is as given to the commission by the secretaries on both sides.

Mr. SMITH. Yes; that is correct.

Commissioner LENNON. Besides the discharge of these men that you have indicated you believe were discharged because of being Socialists, what other instances can you cite to the commission of the domination of the miners' union by the company?

Mr. SMITH. What other instances of actual domination?

Commissioner LENNON. Yes, sir.

Mr. SMITH. Well, I can say in the fight in 19—I believe it was 1902 and not 1900—the campaign was very bitter between the Amalgamated on one side and Heinze on the other, and the officers of the miners' union were active company men. Ed. Long, for instance, was president of the union at that time; afterwards he worked a profitable lease from the company.

Commissioner LENNON. Well, what more recent instances?

Mr. SMITH. I don't like to testify as to recent occurrences in the miners' union, because I know you have miners who will follow me on the stand who are more familiar with those things.

Commissioner LENNON. How have you reached the conclusion that the existence of these small-craft unions—comparatively small-craft unions in this city, were by any possibility tending to dominate the industrial situation as far as the miners are concerned—how do you reach the conclusion that the existence of those unions has been some cause for the widening of this breach and the creation of these factions?

Mr. SMITH. Well, this is the chief reason for that feeling. The craft unions down town, in the work outside of the jurisdiction of the mining companies, themselves enforce a scale of wages considerably in excess of the wages of the miners. For instance, the miners get $3.50 a day, and the carpenters, plumbers, lathers, and building-trade men get wages of from $6 to $8 a day. The same tradesmen work for the mining company for considerably less.

Commissioner LENNON. In the same union?

Mr. SMITH. In the same union. As much difference as a dollar and a half to $2 a day in some places; yes, more than that with regard to the plumbers. That creates a feeling among the miners that they are being grafted upon—not only are they being exploited through the sale of their labor power at the mines but also by the working class itself that belong to these other unions when they build houses and have work done in which these other tradesmen take part.

Commissioner LENNON. Have the factions arisen because of the desire to reduce the wages of the crafts or a desire of the miners to get the same wages the craft unions are getting?

Mr. SMITH. Well, I don't think there has ever been any express wish on the part of the miners to reduce the wages of any craftsmen in Butte.

Commissioner LENNON. I would like to get the information that my first question indicated, if I could. Perhaps we can get it somewhere from the miners themselves, and that is what caused this growth of these factions to the point where it did reach?

Mr. SMITH. Well, the last point that resulted in the break was unquestionably the domineering actions of the officers of the unions in dealing with the miners; but, as I say, the miners themselves can tell you better about that than I can.

Commissioner LENNON. That is all.

Commissioner GARRETSON. Your idea is that the culminating act was that the rank and file of the miners believed that their officers—the officers of the union—exercised—appropriated and exercised—a power that properly only belonged to the union as an entirety?

Mr. SMITH. Yes, sir. Not only that, but that the officers used every means to suppress any effort of the rank and file to reassert their constitutional rights or regain the control of the union through constitutional means.

Acting Chairman COMMONS. You were speaking of this split in the wages of the skilled craftsmen. What trades did you have in mind, the building trades?

Mr. SMITH. The building trades, particularly; yes, sir.

Acting Chairman COMMONS. You do not include machinists in that?

Mr. SMITH. I don't think there is—I was going to say I didn't think there was any difference in the wages of the machinists working for the company and other concerns, but I believe there is a slight difference. I did not have the machinists in mind, however, when I spoke of a difference.

Acting Chairman COMMONS. Generally, then, you say that the building trades working for outside contractors get a higher rate of pay than those who work for the Anaconda Co.?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. And you say that runs from a dollar to a dollar and a half a day?

Mr. SMITH. I believe there is even a greater difference than that. In the case of the plumbers I believe there is a difference of two or three dollars. I am not positive as to that, however.

Acting Chairman COMMONS. Can you state whether or not there is any difference in the amount of work that they can put in in a year? How much does the building trades in this climate—how many months do they get in in outdoor work?

Mr. SMITH. Well, they can't—there are plumbers that work the year around; there are carpenters that work the year around for private contractors, quite a number of them, quite a number of them; what proportion of them I could not say. I might say that is an argument that is used in favor of the difference in the scale as between the company and private contractors.

Acting Chairman COMMONS. Does the Amalgamated or Anaconda give fairly steady work to these trades?

Mr. SMITH. I should say so; yes, sir.

Acting Chairman COMMONS. And in general the outside contractor could not give as steady work?

Mr. SMITH. Well, a number of outside contractors give steady employment to a number of men.

Acting Chairman COMMONS. But take the building construction, how many months in the year can bricklayers and carpenters get outside work in this climate—can they get seven months?

Mr. SMITH. Well, I have seen them laying brick here pretty much all winter—hurry-up jobs. I should say seven months is the average.

Acting Chairman COMMONS. On the average about seven months outside?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. And on the inside, such as the Amalgamated; they get about 12 months?

Mr. SMITH. Yes, sir; and on inside work in town they get as much as 12 months.

Acting Chairman COMMONS. There is a considerable amount of inside besides that which is furnished by the Amalgamated?

Mr. SMITH. Yes; for instance, in the erection of a large building. It is generally intended to get the framework up and be ready to do the inside work when cold weather comes.

Acting Chairman COMMONS. Does the union make a scale with reference to inside or outside work, or with reference to the company? Is the Amalgamated Co.'s rate lower than that of operators outside who give steady work?

Mr. SMITH. Oh, yes; the operator outside who gives steady work pays as much as the contractor who only gives occasional work.

Acting Chairman COMMONS. The outside operator would have part of his work exposed and limited to seven months, and the finishing work would be limited to the extent of 12 months?

Mr. SMITH. Yes, sir; but in answer to your question, to be plain about it, the private contractor, even though he works the men steadily 12 months in the year, pays the downtown scale or a scale considerably higher than the wages paid by the company for the same tradesmen or members of the same union.

Commissioner GARRETSON. But which employment does the average carpenter choose—the low rate of the Anaconda or the high rate of the contractor?

Mr. SMITH. I don't know that there is a choice in it.

Commissioner GARRETSON. He exercises it when the opportunity offers, does he not, one way or the other—or does he?

Mr. SMITH. Now, in the wintertime, when work is scarce, he would prefer to work for the company rather than to be idle.

Commissioner GARRETSON. Is there any service fairly established?

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. They stay with the low rate the year around?

Mr. SMITH. Yes, sir; I believe they do. Of course, there are carpenters downtown that have steady work.

Commissioner GARRETSON. Oh, yes; but if the opportunity offered to a man who was regularly employed by the Anaconda to get regular work with the contractor, does he or not as a rule leave the low wage and go to the high one?

Mr. SMITH. I should say so. Of course, he would consider then the probability of a permanent employment.

Commissioner GARRETSON. He would consider probable all the factors that enter into it?

Mr. SMITH. Yes, sir.

Commissioner GARRETSON. But what I want to know is, how does it work out practically; which do they do?

Mr. SMITH. I think the best answer to that would be that the best carpenters, I believe, are not working for the company. I think the more skilled tradesmen are not working for the company.

Commissioner GARRETSON. The finished men?

Mr. SMITH. Yes, sir.

Acting Chairman COMMONS. The company, I should judge, does not have that kind of inside-finish work that requires skilled labor; their work would probably be rough work?

Mr. SMITH. Nearly all; yes, sir.

Acting Chairman COMMONS. So that they wouldn't need that high skill. But take a man, a common, ordinary carpenter that does the ordinary rough work; would he in this town prefer to have a steady job with the Anaconda, or such as he could pick up in competition with better skilled men among the outside contractors?

Mr. SMITH. Well, the less skilled the man, possibly the more anxious he would be to secure the steady job, naturally.

Acting Chairman COMMONS. That would be the only type of man the Anaconda people would have?

Mr. SMITH. No, sir; they require skilled work in some cases.

Acting Chairman COMMONS. Then this fine inside-finish work, where you need a man to make a very fine work finishing——

Mr. SMITH. Not much of that. They do have some of that work, though.

Commissioner O'CONNELL. How about the miscellaneous trades outside? Take the cigar makers, printers, and tailors—those miscellaneous trades.

Mr. SMITH. There are practically no cigar makers here. The printers get less than the carpenters or plumbers or blacksmiths or lathers. The scale for the printers is less than for any of those other trades mentioned.

Commissioner O'CONNELL. It would average so among any of the miscellaneous trades that there might be, regardless of the number?

Mr. SMITH. Yes, sir.

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. That will be sufficient, Mr. Smith. Mr. Dennis Murphy.

TESTIMONY OF DENNIS MURPHY.

Acting Chairman COMMONS. Give your name and address.

Mr. MURPHY. Dennis Murphy, Butte, Mont.

Acting Chairman COMMONS. What is your present occupation?

Mr. MURPHY. Miner.

Acting Chairman COMMONS. For what employer?

Mr. MURPHY. The Anaconda Co.

Acting Chairman COMMONS. What pay do you get?

Mr. MURPHY. Three fifty a day.

Acting Chairman COMMONS. How long have you been in the mining business?

Mr. MURPHY. About 10 years.

Acting Chairman COMMONS. Have you been active in the miners' union?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. Have you held office?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. What office?

Mr. MURPHY. President of the miners' union.

Acting Chairman COMMONS. When was your first official position in the miners' union?

Mr. MURPHY. I commenced in July, 1912, and ended July, 1913.

Acting Chairman COMMONS. I take it, then, you represented that element that was previously described as the company crowd?

Mr. MURPHY. Exactly.

Acting Chairman COMMONS. Did you hold a position prior to the time of 1912, when the antis came out?

Mr. MURPHY. No, sir.

Acting Chairman COMMONS. Had your record been such as you were recognized as opposing these antis during the career of the union and their career?

Mr. MURPHY. I don't know as I had any known record before 1912.

Acting Chairman COMMONS. But you were picked up as a candidate in 1912?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. For this reason. Do you call yourself a conservative or company man?

Mr. MURPHY. I call myself a conservative.

Acting Chairman COMMONS. What distinction do you made between those two terms?

Mr. MURPHY. Why, I believe a conservative union man is the man that would live up to the rules of organized labor strictly, and I suppose a company man would be a man that would work to the interests of the company in the union. That is the distinction I would make.

Acting Chairman COMMONS. Well, explain that a little more fully. What has been the attitude of the conservative element in the union toward the employer—toward the Anaconda Co.—in, say, the period since 1906 or 1907?

Mr. MURPHY. Why, I don't know that I have—the question again.

Acting Chairman COMMONS. I asked what has been the attitude of the conservative element toward the employer as compared with the attitude of the radical element?

Mr. MURPHY. I don't know as there was any particular attitude in force toward the company between the radical or conservative element to amount to anything during that period.

Acting Chairman COMMONS. Do they take a different attitude? Was the policy different toward the company than that which the radical element followed?

Mr. MURPHY. In some things their policy was different.

Acting Chairman COMMONS. In what was it different during the years 1909 to 1912? For example, what were the issues you put up against them in the campaign of 1912 in asking for election?

Mr. MURPHY. The issue was some of the literature they were subscribing to; that was one of the issues that was made in that campaign, that the radical element that had been in power were subscribing to.

Acting Chairman COMMONS. What, for example?

Mr. MURPHY. The Ripsaw was one paper.

Acting Chairman COMMONS. Where was that published?

Mr. MURPHY. I believe it is published in the State of Washington.

Acting Chairman COMMONS. What line of philosophy does it represent?

Mr. MURPHY. The I. W. W. philosophy.

Acting Chairman COMMONS. Which branch does it represent?

Mr. MURPHY. I am not positive which branch.

Acting Chairman COMMONS. What other paper?

Mr. MURPHY. The Solidarity was another paper.

Acting Chairman COMMONS. That represented the I. W. W. of what type?

Mr. MURPHY. I don't know which faction of the I. W. W. it represented. I know it was edited by an I. W. W.

Acting Chairman COMMONS. What other paper?

Mr. MURPHY. Those were the only two I recollect.

Acting Chairman COMMONS. Why should the subscribing for these papers occupy such a large place in your mind? Why should that be a reason for condemning them, or making it an issue in the campaign?

Mr. MURPHY. Those papers are generally condemnatory of the policy of the Western Federation of Miners, that was one reason.

Acting Chairman COMMONS. What were the points on which they condemned the policy? I take it your idea is not merely the subscribing to these papers, but that they indorse the principles, is that it?

Mr. MURPHY. Exactly.

Acting Chairman COMMONS. Now, those principles were attacking the Western Federation?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. Now, on what points did they attack them or oppose them?

Mr. MURPHY. I suppose in their method of procedure and line of conducting strikes and one thing and another.

Acting Chairman COMMONS. Their mode of procedure, what was their attack on the mode of procedure of the Butte union, I am here speaking of—not the Western Federation generally, but the Butte union?

Mr. MURPHY. The mode of procedure of the Butte union?

Acting Chairman COMMONS. What did they attack in the mode of procedure of the Butte union?

Mr. MURPHY. Well, I could not say, could not specifically state anything.

Commissioner O'CONNELL. Didn't they charge you were inactive? That you had done nothing for the miners and that sort of thing; that wages had not been increased or altered here for years? Wasn't that one of the charges?

Mr. MURPHY. Those charges had been made I expect; yes, sir.

Commissioner O'CONNELL. On that line of inactivity?

Mr. MURPHY. Yes, sir.

Commissioner GARRETSON. Didn't they also attack the method of election?

Mr. MURPHY. Not to my knowledge—not in those papers.

Commissioner GARRETSON. That wasn't a question of procedure involved?

Mr. MURPHY. No, sir.

Commissioner O'CONNELL. But regardless of the papers, among the men here at Butte, those who were talking of it and agitating it and speaking on the street corners, if there was such a thing, in their denunciation of the union—I am not saying this because of any information that I have in mind in the matter. I am drawing on my imagination—was there statements to the effect that the Western Federation of Miners had done nothing and was inactive and belonged to the company and could not do anything because they belonged to the company?

Mr. MURPHY. Such statements as that were made.

Commissioner O'CONNELL. Such statements were circulated; I am drawing that from the testimony given here before by Mr. Smith?

Mr. MURPHY. Such statements were circulated.

Commissioner O'CONNELL. Were those the things that were charged?

Mr. MURPHY. Yes.

Commissioner GARRETSON. Was it also alleged that one of the assets of the Anaconda Co. was the ability to control the union of the miners?

Mr. MURPHY. It has never been alleged specifically to me that it was one of their assets.

Commissioner GARRETSON. Well, they might not express it in that way, but that the company was the gainer by controlling the union?

Mr. MURPHY. Such reports might have been made, not in my hearing.

Commissioner GARRETSON. Not in your hearing? [Laughter.]

Acting Chairman COMMONS. Order, please.

Commissioner GARRETSON. That is all.

Commissioner LENNON. Mr. Murphy, you spoke about their taking those two publications, the Ripsaw and Solidarity. You didn't object to their individually subscribing for those papers, did you?

Mr. MURPHY. No, sir.

Commissioner LENNON. Did they take the money out of the treasury for the papers?

Mr. MURPHY. Yes, sir.

Commissioner LENNON. For all the members of the union?

Mr. MURPHY. Yes; there was a clause in the constitution that specified, I believe, that 1 per cent of the dues should be turned over for educational purposes.

Commissioner LENNON. And under that clause those were the papers the union selected at that time?

Mr. MURPHY. Yes, sir; some of the papers.

Commissioner O'CONNELL. Who decided that those papers were the proper literature for the members?

Mr. MURPHY. I suppose it was decided at meetings of the miners' union.

Commissioner GARRETSON. By a majority action?

Mr. MURPHY. I expect so; yes, sir.

Commissioner GARRETSON. From your standpoint, has a democratic body like a union a right to assert its own preference in those matters?

Mr. MURPHY. I think so.

Commissioner LENNON. That is all I have, Mr. Chairman.

Acting Chairman COMMONS. What do you consider has been the accomplishments, or what has the union in the past 15 years accomplished for its members in the improvement of conditions—take sanitary conditions?

Mr. MURPHY. Well, I could not speak for 15 years.

Acting Chairman COMMONS. Well, since your activity, since your knowledge of the activity of the union and your participation in it.

Mr. MURPHY. I don't think they have accomplished very much in those lines. [Laughter.]

Acting Chairman COMMONS. The room will have to be cleared if there is any interruption of the witness. What about representing members of the union in the matter of damage suits or liability, and getting compensation for accidents? Has the union had a benefit system?

Mr. MURPHY. Yes, sir; they carried a sick benefit for 10 weeks in the year for anybody who was injured.

Acting Chairman COMMONS. How much was the benefit?

Mr. MURPHY. Ten dollars a week.

Acting Chairman COMMONS. And what was the amount of money which the member paid to entitle him to that, a dollar a month?

Mr. MURPHY. A dollar; and $90 burial benefit.

Acting Chairman COMMONS. Were the total dues of the union $1 a month?

Mr. MURPHY. Yes, sir.

Acting Chairman COMMONS. During the six years?

Mr. MURPHY. The dues of the union.

Acting Chairman COMMONS. Does that cover all expenditures of the union?

Mr. MURPHY. All expenditures of the union.

Acting Chairman COMMONS. Were there special assessments at any time?

Mr. MURPHY. There were special assessments for men that were afflicted with tuberculosis or were unable to work. It has been the custom of the union during the last five or six years to levy two bits or 50 cents assessments, according to the number of the men that were on the list to receive the money that would be derived from those assessments.

Acting Chairman COMMONS. So that a dollar a month was not sufficient to keep up this amount of benefit which the union was paying?

Mr. MURPHY. Well, not sufficient; the union thought that they could further help their sick and injured members by adding this assessment every other month, or every third month, as the case might be.

Commissioner GARRETSON. In that way did they pay more than the 10 weeks in the year?

Mr. MURPHY. This was a special assessment, and what was derived from it went for this particular purpose.

Commissioner GARRETSON. Were those particular persons for whom it was levied?

Mr. MURPHY. Exactly.

Commissioner GARRETSON. And paid them more than what was paid for in the regular dollar assessment?

Mr. MURPHY. Exactly.

Acting Chairman COMMONS. Has the union taken any steps toward protecting men who have been discharged?

Mr. MURPHY. The only steps that have been taken to my knowledge was in the one that was mentioned here to-day, where these 140 men—or whatever the number was—was discharged at the time.

Acting Chairman COMMONS. Were you president of the union at that time?

Mr. MURPHY. No, sir.

Acting Chairman COMMONS. You don't know, then, how that was taken up with the company?

Mr. MURPHY. Well, I wasn't active in it; just from being a member of the union. I wasn't active in that.

Acting Chairman COMMONS. Any other quesions?

Commissioner GARRETSON. Yes; I have one. I would like to know two or three things.

Acting Chairman COMMONS. Go ahead.

Commissioner GARRETSON. Has your organization any regular protective machinery for the purpose of protecting men who claim to be unjustly discharged, and who, after investigation, the organization finds are unjustly discharged?

Mr. MURPHY. It never had to my knowledge.

Commissioner GARRETSON. Don't many organizations have—don't the average labor union have machinery of that character?

Mr. MURPHY. The United Mine Workers have, to my knowledge.

Commissioner GARRETSON. Well, don't every other one, almost, that you come in contact with?

Mr. MURPHY. I don't know whether any of the local craft unions have any such.

Commissioner GARRETSON. Do you ever come in contact with the railway organizations here, the Orphans' Home, the B. M. P.?

Mr. MURPHY. No; I haven't.

Commissioner GARRETSON. Their agreements all have a clause that reads: If a man isunjustly discharged, he shall have the right to a hearing, accompanied by committees of the organization, or representatives of the organization, it reads in some cases, and the right to appeal to the highest officer of the company. Those clauses are universal in all the agreements of men of that craft. Your organization has nothing of that kind?

Mr. MURPHY. No, sir.

Commissioner GARRETSON. Nor no method of raising money for the payment of dues for such purposes?

Mr. MURPHY. No, sir.

Commissioner GARRETSON. Have you at any time during your term in office in the union, or prior thereto, seen any effort—seen or been aware of any effort on the part of any officer of the company, or anybody from the shift boss up, to influence the action—the union action or political action of men in the union?

Mr. MURPHY. It has not been with me directly; I can't state for anybody else.

Commissioner GARRETSON. Well, have you ever seen evidence of it directed toward others?

Mr. MURPHY. Not to my knowledge.

Commissioner GARRETSON. Have you ever seen any effort to use men for or against legislation that the company either considered inimical to its interests or desirable for its purposes?

Mr. MURPHY. I haven't seen any. I was just going to state that I was a member of the last legislature in Montana, and I didn't witness anything of the kind during the session.

Commissioner GARRETSON. What was the attitude of the company toward eight-hour legislation originally?

Mr. MURPHY. I wasn't in Montana——

Commissioner GARRETSON. You don't know?

Mr. MURPHY (continuing). At the time.

Commissioner GARRETSON. Well, that is going too far back, then, for you?

Mr. MURPHY. Yes, sir.

Commissioner GARRETSON. That is all.

Commissioner O'CONNELL. I will ask this one question: Mr. Murphy, was there any influence in Butte or in this vicinity coming from people either in business or laboring men or in any of the walks of life in the community tending toward interference with the affairs of the miners' organization, who were not miners at all? Is there any outside influence that is endeavoring to dictate the policy or control the affairs of the miners' union for purposes not altogether for the miners?

Mr. MURPHY. Well, I could not state that there is. I haven't any specific knowledge of any.

Commissioner O'CONNELL. I dont' mean by that the copper company altogether.

Mr. MURPHY. I know what you mean—from any source.

Commmissioner O'CONNELL. Yes. For instance, your Socialist papers, or some of the Socialists in the city who are not miners, working at other trades, and who seem to take exceptional interest in the miners' affairs and probably little in their own?

Mr. MURPHY. They are certainly interested in them. I can't very well deny it. They are interested for political advantage.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Commissioner GARRETSON. One more question, Mr. Chairman.

Acting Chairman COMMONS. All right.

Commissioner GARRETSON. Mr. Murphy, have you ever had reason to believe that the company which you serve was active politically or legislatively?

Mr. MURPHY. I had no reason to believe they were active ligislatively during the last session of the legislature, though I was a member of it.

Commissioner GARRETSON. Nor locally in politics?

Mr. MURPHY. As far as I know, I have no knowledge.

Acting Chairman COMMON. That is sufficient, Mr. Murphy. Mr. Gillie.

Mr. EVANS. Mr. Chairman, here are the two copies of the contracts that you desired made.

(See Kelley Exhibits Nos. 6 and 7.)

TESTIMONY OF MR. JOHN GILLIE.

Acting Chairman COMMONS. Mr. Gillie, you have some statement regarding the ventilation scheme. Could you state briefly and file with the reporter the details that you have?

Mr. GILLIE. Yes.

Acting Chairman COMMONS. When did the company start in with its improved attention or greater attention to improved ventilation?

Mr. GILLIE. Well, as the mines commenced to gain greater depth, say 10 years ago, when the mines were comparatively shallow, you have shafts enough and the ventilation takes care of itself, but when you get at greater depth these sulphide-ore mines get very warm, and it necessitates forced ventilation. One thing that favored us in that was the making of very favorable contracts for electric power, all we could use, within the last few years, so that we could scatter around these ventilating fans wherever we wished or wherever we had an opening to place a fan. The result has been a much more marked change in, say, the last five years than previous to that time and is going on at the present time. With reference to this ventilation, I would like to file an itemized statement showing here that the capacity, the fan capacity that we are using now—that we were not using 10 years ago—has increased to 2,000,000 feet, cubic feet of air per minute for ventilation purposes. This copy, if it is of any use, I will leave.

(See Gillie Exhibit No. 1.)

Mr. GILLIE. Mr. O'Connell here asked Mr. Kelley about a condition that might obtain in these mines.

Commissioner GARRETSON. Not Mr. O'Connell. This is Mr. O'Connell [indicating]. My name is Garretson.

Mr. GILLIE. Garretson; yes, Mr. Garretson. There is a condition here that does not obtain in some mines, and that is due to the character of the ores. The ores are a compound of sulphur.

Commissioner GARRETSON. It is a chemical condition, then?

Mr. GILLIE. Yes, sir. That is, the ores are known as sulphide ores, being composed of certain ingredients, rock ingredients and sulphur combined. The oxidation of this sulphur and a large amount of timber that we have to use in mining operations here, the oxidation of that produces considerable of heat, although we don't have anything like some other mines, and for that reason our workings are naturally very much warmer, and we use probably what was referred to at your other mining investigations.

Commissioner GARRETSON. No; the question of heat was brought up here in this hearing. That didn't refer to heat?

Mr. GILLIE. Yes, sir.

Commissioner GARRETSON. It referred to dampness and to bad air and to one or two other features.

Mr. GILLIE. Well, of course, we could challenge any of the others in the world, I think, on air, as far as the component parts of the air are concerned.

The humidity and the temperature we have got a great deal the worst of it on, and it is quite extensive, when I state that for the Government mine inspector—or the State mine inspector, the ventilating figures alone amounted to $279,000 for 1913.

Commissioner O'CONNELL. Well, of course, they haven't got the same gases to work against that you have?

Mr. GILLIE. Well, yes. We have no deleterious gases like a coal mine, inasmuch as they are explosive, or anything like that. We have powder gas, of course; gas from powder, but the heat and the humidity is the one thing that we have got to contend with. This electric power was a godsend to us in being able to string a wire a quarter of a mile away and stick a fan on there underground. We carry them anywhere and we have a fresh supply of air. You can stick a fan anywhere and just carry your wire for the power, and it relieves the condition very materially. Now, this is not entirely a condition—that is, this ventilating, it is not entirely a condition that we bring about ourselves on account of the men, which we would do. It is to our advantage.

Commissioner GARRETSON. It is a business proposition?

Mr. GILLIE. It is a business proposition, yes; nothing but that.

Commissioner GARRETSON. You don't palm it off as philanthropy, you make it business?

Mr. GILLIE. No. In addition to the taking care of the health of the men as far as we can, why it is so much to our good, because a man can do a day's work if he has got some air, and if he hasn't he can't; that is all.

Commissioner GARRETSON. I like good business works when they are put up as good business works, but when a man does a thing he ought to do and then claims credit for philanthropy for it, why I don't like it on the basis of so much a philanth.

Mr. GILLIE. Well, we are not philanthropists altogether exactly.

Acting Chairman COMMONS. Is that all?

Mr. GILLIE. That is about all.

Acting Chairman COMMONS. Well, if you will file your statement, then, we are very much obliged.

Mr. GILLIE. But would you care to know the difference in the rate of wages between the hill and town scale?

Acting Chairman COMMONS. Well, you have that information, have you?

Mr. GILLIE. Well, I haven't got it, but I can give it to you offhand.

Commissioner LENNON. I wish you would give us that. I was going to ask it of some of the workingmen when we got to that.

Mr. GILLIE. We have no difficulty in securing all the craftsmen—that is, the trades craft—that we require on the hill—as we call the hill at the mines. Our employment is steady. They have comfortable places to work. Our wage scale at the present time is $4.50 a day for machinists, for a carpenter, for a blacksmith, for a plumber. We only have one or two plumbers; we haven't many of those—for a boilermaker. Downtown that plumber would get $8, the carpenter would get $7. The machinist gets the same scale downtown and on the hill.

Commissioner GARRETSON. There is $3.50 spread in that plumber, isn't there?

Mr. GILLIE. Oh, yes. Well, the plumber—you know what he is everywhere.

Commissioner O'CONNELL. He gets his.

Commissioner GARRETSON. I am not far enough away from home to find fault with the plumber. He might fix me next winter.

Mr. GILLIE. But we have no difficulty in securing good workmen. When we want a cabinet maker, for instance—that is, on finer work—if we have an office building on the hill that requires some fine fixtures, we have no difficulty in securing that man. We can get good men, and we can get them without any trouble. They will work for us at that scale in preference to working downtown and catching jobs wherever they can.

Commissioner GARRETSON. Well, now, let me ask you the same thing I asked the other witness.

Mr. GILLIE. Yes, sir.

Commissioner GARRETSON. If the man has regular employment down there, with all that goes with it, does he ever leave to go to you for regular employment?

Mr. GILLIE. No; he would not. Certainly not; because the carpenter is better off with $7 regular employment than he is with four and a half.

Commissioner GARRETSON. Well, that was the feature?

Mr. GILLIE. Sure.

Commissioner GARRETSON. I wanted to determine.

Mr. GILLIE. Yes.

Commissioner GARRETSON. But, on the other hand, I suppose that if a man with you regularly had the opportunity for the steady employment in the town he would embrace the opportunity?

Mr. GILLIE. Yes, sir. Now, when we go into the town on our own building, for instance, we have got an office building right there on Main Street. If we send a man from our own mines up there into the town, we pay the $7 to a carpenter, or the town scale. If we send an electrician, he gets $6.

Commissioner GARRETSON. Your scale applies only to mine work around the mine?

Mr. GILLIE. To mine work directly in connection with the mine.

Commissioner GARRETSON. Or is there a territorial provision?

Mr. GILLIE. No; it is not territorial; directly in connection with the town and for town building we pay the regular scale to our own men; we pay the regular town scale.

Acting Chairman COMMONS. Anything further? Much obliged.

The commission will stand adjourned until to-morrow morning at 9 o'clock.

(And thereupon, at 5.15 o'clock p. m. of this August 6, 1914, an adjournment was taken until the following day, August 7, 1914, at the hour of 9 o'clock a. m.)

BUTTE, MONT., *Friday, August 7, 1914—9 a. m.*

Present: Commissioners Commons (acting chairman), Garretson, Lennon, and O'Connell.

Acting Chairman COMMONS. The commission will come to order. Mr. Pope.

TESTIMONY OF MR. JOHN D. POPE.

Acting Chairman COMMONS. Give your name and address to the reporter.

Mr. POPE. My name is John D. Pope; I reside near Butte, Mont.

Acting Chairman COMMONS. What is your business?

Mr. POPE. I am general manager of the North Butte Mining Co.

Acting Chairman COMMONS. What is your company, its capital, and so on?

Mr. POPE. It is a mining company with an authorized capital of 600,000 shares of the par value of $15; of those, 430,000 have been issued; the rest is unissued.

Acting Chairman COMMONS. Is your company one of the companies held by the Amalgamated?

Mr. POPE. No, sir; there is none of our stock held by the Amalgamated Co., as far as I know. I do not think they hold any in it at all.

Acting Chairman COMMONS. Held by any other companies?

Mr. POPE. No; it is very widely distributed; held in small lots. We have over 4,000 shareholders.

Acting Chairman COMMONS. Are they local shareholders largely?

Mr. POPE. There are some in Butte; some in Duluth and Minneapolis, Minn.; some in Milwaukee; some in Pittsburgh; some in New York City; most of them in lots scattered through Massachusetts, Connecticut, Rhode Island, and New England. I think almost half of it is held in small lots in New England.

Acting Chairman COMMONS. What are the products—copper?

Mr. POPE. Copper, silver, and gold; copper and silver are the principal products; a small amount of gold.

Acting Chairman COMMONS. How many employees do you have?

Mr. POPE. When running at normal capacity we have about 900.

Now we have about 1,050, because we are doing some construction work, putting in some new machinery. But our regular crew is from 900 to 925.

Acting Chairman COMMONS. You heard the testimony of Mr. Kelley regarding wages, hours, relationship to union, and so on?

Mr. POPE. Yes, sir.

Acting Chairman COMMONS. Have you anything additional to add, or anything that differs in your company as compared with the Anaconda?

Mr. POPE. The wages and hours are the same with us that they are with them. We have separate contracts with the various unions here in Butte. These contracts are necessarily identical with the contracts which the Anaconda Co. has, because naturally the unions won't enter into a different contract with us than what they would with them.

But they are separate and individual contracts, but our working conditions are practically the same.

There is one difference that I noticed from the testimony of Mr. Gillie in regard to Sunday work and change days. We work Sunday night; that is, the men who work Saturday from 8 to half past 4, then lay off until Sunday night at 6, and work from 6 until 3.30 Monday morning.

Acting Chairman COMMONS. So that they are off how many hours?

Mr. POPE. They are off 25½ hours.

Acting Chairman COMMONS. And the men that work Sunday night?

Mr. POPE. The men that work Saturday night?

Acting Chairman COMMONS. The men that work Saturday night?

Mr. POPE. Go off at half past 2 Sunday morning and come to work Monday, so that there they have about 24 hours. I notice from his testimony that they don't work Sunday nights on change days, but we do and always have.

Commissioner GARRETSON. They shut down on change, and you don't?

Mr. POPE. Their mine is down two shifts, while our mine is down one shift. I didn't know that was the case with them. We have always worked Sunday night.

Acting Chairman COMMONS. How many days' work does a man get with you a month?

Mr. POPE. A man who is working steadily and as we would like to have him work will get from 29 to 31 days.

Acting Chairman COMMONS. Is your work steady during the year?

Mr. POPE. Our work is steady. We aim to keep the mine in operation regularly and steadily. We don't shut down unless we have to.

Acting Chairman COMMONS. Are you affected by the price of copper as the other company?

Mr. POPE. Just the same way, we have to sell our copper on the market as they do.

Acting Chairman COMMONS. Copper is the main product?

Mr. POPE. Copper is the main product. We produce in the year between twenty-seven and twenty-eight million pounds of copper and about a million and a half ounces of silver, so that, while our silver production is important, the copper is the main production and main value.

Acting Charman COMMONS. You have the same contracts and same dates with the Western Federation of Miners' Union as the Anaconda?

Mr. POPE. Not the same date. Ours was signed about two or three weeks after theirs; that is, the Anaconda Co. made the contract. They didn't consult us about it at all. They made the contract with the miners' union, and then the union came around to us, and so the only thing for us to do was sign the same contract, because we could not get them to work for us under different conditions than for the Anaconda.

Acting Chairman COMMONS. What conditions are there in the contract for taking up individual grievances?

Mr. POPE. I don't recall the details of it, but they are the same as in the contract Mr. Kelley gave you.

Acting Chairman COMMONS. Has the union during the time you have been in charge brought up any grievances?

Mr. POPE. They have brought up the one question as to the discharge of Socialists at the same time they took the question up with the Anaconda. Besides that, they have taken up old grievances of that kind with me.

Acting Chairman COMMONS. Have you the same system of discharge—you have just one shaft?

Mr. POPE. We are operating just one shaft. We have several shafts, but there is only one that we operate now.

Acting Chairman COMMONS. The foreman there hires the men?

Mr. POPE. The foreman hires all underground men. The shop foreman hires his men, the master mechanic hires the machinists, and the master blacksmith hires his men, and the same with the boilermakers, and so on.

Acting Chairman COMMONS. If there is any appeal, it comes to you?

Mr. POPE. Any appeal from any foreman, it comes to me.

Acting Chairman COMMONS. Were there Socialists discharged?

Mr. POPE. Yes, sir.

Acting Chairman COMMONS. And the matter brought to you by the union?

Mr. POPE. Yes, sir.

Acting Chairman COMMONS. And what was the action?

Mr. POPE. I told the union or the committee from the union that in order to maintain proper discipline in the mine I considered it necessary to have the right to discharge men at will; that I wouldn't blacklist anybody or try to keep a man from working somewhere else; but that very often the reason for discharging a man was so involved that I considered it necessary that we should have the right to discharge men for any reason that seemed good to us.

Acting Chairman COMMONS. Was that accepted?

Mr. POPE. Apparently; yes, sir.

Acting Chairman COMMONS. You have no need of this system described as rustling?

Mr. POPE. We don't use any such system at all. A man seeking work goes up and shows himself to the foreman, and if the foreman likes his looks and wants a man he puts him on.

Acting Chairman COMMONS. Are your instructions to the foreman such that he shall employ only members of the union?

Mr. POPE. No, sir; we pay no attention to that at all. We hire any man that seems to us to be a good man; but he is required afterwards to join the union, unless he already belongs. We work with the union to that extent. We don't inquire whether a man is a union man or not when he comes for a job; but after he gets a job, unless he is already a member in good standing, he is required to join.

Acting Chairman COMMONS. If you should discharge a man belonging to the union, you do not give him any reason for his discharge?

Mr. POPE. Not necessarily. Sometimes if a man does something we don't like; if he does not put in a set of timber as we want them, the boss will tell him he ought to know better, and to get out; we don't believe he is a good miner or he would not have done it.

Acting Chairman COMMONS. Is there any such thing as a man being discharged for union activity?

Mr. POPE. That has never occurred in the North Butte Mining Co.

Acting Chairman COMMONS. There has been no complaint of that kind?

Mr. POPE. No, sir; we never discharge a man because of union activity.

Acting Chairman COMMONS. How deep are the workings?

Mr. POPE. Our lowest level is 3,000 feet below the surface; our lowest extensive work is 2,800 feet. We have just started a station on the 3,000; no work aside from that.

Acting Chairman COMMONS. What have you done toward miners' consumption, ventilation, etc.?

Mr. POPE. We of course know of the work which the Anaconda Co. has done, and, while we have not been in on it, we know the result; and it has always seemed to me from that that the sole cause of miners' consumption, as far as conditions in the mine are concerned, was due to the dust. There are places in our mines where, if they are allowed to remain, are excessively dusty. The mines are dry and the rock, aside from the copper and minerals, is light and breaks fine. So, in some places there is an excessive amount of dust; but if you ventilate properly, use fans, and assist your natural ventilation, it increases the amount of that dust by drying out the workings more. Now, in order to allay that dust, we have tried to introduce a spraying system with the drills; but we find that the men are very averse to using that, and unless you stand right over a man he won't use it. They are quite a nuisance and sort of interfere with the men working to a certain extent, and they won't use them unless they are absolutely compelled. So, we tried the system of wetting down the mine where it is dusty, the manways and piles of dirt, before they are handled at all.

Acting Chairman COMMONS. Is that a success?

Mr. POPE. It seems to me it is very successful; yes. Of course, as to the results on the men we can't check up, because we have no system of medical examination. That is what I mean when I say it is absolutely successful. It does reduce the dust, and in those parts of the mine it absolutely stops it. As to the absolute effects on the men I don't know, because we have no system of examining them before they go to work or after they are working or when they quit.

Acting Chairman COMMONS. Does it increase the dampness in the mine in such a way that you consider it a bad thing?

Mr. POPE. No; it does not cause any bad effects of that kind at all.

Acting Chairman COMMONS. How do you control the temperature?

Mr. POPE. The only control we have over temperature is the introduction of air from the surface. Of course, that air is cooled and cools down the parts of the mine where it is introduced.

Acting Chairman COMMONS. What are your temperature records of the lowest workings?

Mr. POPE. I think our highest natural temperature is about 92.

Acting Chairman COMMONS. Is that a continuous temperature on the different levels?

Mr. POPE. Well, that is the natural temperature of the rock in the lower levels.

Acting Chairman COMMONS. What would the air reduce it to?

Mr. POPE. Well, we have reduced that below 90, I think, in every place that we have been able to introduce the artificial ventilation. There are certain ends of the workings where you can't introduce that air current.

Acting Chairman COMMONS. So the men are working practically under a 90° or 92° temperature?

Mr. POPE. In the hottest places; yes.

Acting Chairman COMMONS. In the hottest places; yes.

Mr. POPE. Of course, there are only a few of them.

Acting Chairman COMMONS. Yes; on the lower levels.

Mr. POPE. On the lower levels, where the development is going on and where the development is ahead of the stopes. As the stopes are opened up the air gets better at once and circulates after the workings are connected with them.

Acting Chairman COMMONS. You, of course, have accident records?

Mr. POPE. Yes.

Acting Chairman COMMONS. Could you file with us a statement of the accident records?

Mr. POPE. I can give you the deaths. I don't know whether I can give you the minor accidents complete or not. I think I can.

Acting Chairman COMMONS. How do you compile the death statistics?

Mr. POPE. Well, we simply have records of the accidents at the office.

Acting Chairman COMMONS. You heard the figures given the other day—yesterday?

Mr. POPE. Yes.

Acting Chairman COMMONS. How do yours compare?

Mr. POPE. I think ours are about the same as the Anaconda. Wherever we have compared them they have been about the same.

Acting Chairman COMMONS. Would you file a statement showing those figures?

Mr. POPE. Yes, sir; I can give them to you for the last two or three years.

(See Pope Exhibit No. 1.)

Acting Chairman COMMONS. Yes.

Mr. POPE. I don't know that they run back further than that—that is, the figures prior to that I don't think are accurate, because they were not kept as carefully as they were in the last few years.

Acting Chairman COMMONS. What are the nationalities employed in your mine?

Mr. POPE. They are very much mixed—Americans, English, Irish; there are some Scotch also, and Welsh.

Acting Chairman COMMONS. How about the foreign born?

Mr. POPE. Well, there are quite a few of them that are foreign born, you know, the English and Irish and Scotch and Welsh are, a good proportion of them, foreign born. Then we have probably between 5 and 10 per cent of the Finlanders, and about the same amount of Austrians, as we call them. They are Serbians, mostly Serbians, and Montenegrins, I think.

Acting Chairman COMMONS. Is there any——

Mr. POPE. We have four or five Mexicans in the crew.

Acting Chairman COMMONS. Does the company exercise any preference in reference to employing men?

Mr. POPE. No; except that I don't like to see too many of one nationality put together. I would rather keep them mixed. Otherwise, there is no preference. I think you get better results if you don't have all of your employees belonging to one clan or nationality.

Acting Chairman COMMONS. Is there any other question?

Commissioner GARRETSON. Yes. How many men did you discharge for being Socialists at the time referred to?

Mr. POPE. I think it might have been a half a dozen.

Commissioner GARRETSON. This was at the same time that the Anaconda did?

Mr. POPE. Just about the same time; yes.

Commissioner GARRETSON. Did the other mines do likewise?

Mr. POPE. I understood so; yes.

Commissioner GARRETSON. Was this the outcome of an understanding between the managements of the various mines?

Mr. POPE. No; I don't think it was a definite understanding.

Commissioner GARRETSON. But a general understanding that you would all throw the harpoon at once?

Mr. POPE. Well, I think that perhaps is putting it a little too strong; but that is the idea.

Commissioner GARRETSON. That is what worked out?

Mr. POPE. That is the way it worked out; yes.

Commissioner GARRETSON. Do you think that the best result is obtained in the employment of men where a man of the grade of foreman is given an absolutely free hand in the discharge of men?

Mr. POPE. I have found it so; yes.

Commissioner GARRETSON. Do you believe that with men of good class the feeling in the minds of those men that they are at the mercy of a man who may be swayed by personal prejudice—bear in mind I am bringing no charge against the class but against individuals of the class, and I am bringing it from the standpoint of a man who worked under other men for many years—do you believe that the building of the idea in the minds of good employees that they are at the mercy of a man of that class and that ready means of going above him are not available creates a desirable sentiment?

Mr. POPE. In the first place that does not exactly represent the conditions here. There is a very easy way for a man to go above the foreman.

Commissioner GARRETSON. Yes.

Mr. POPE. The men have come to me individually quite a number of times with complaints of unjust discharge. In some cases I have rectified—wherever I considered their point was properly taken, I have rectified it.

Commissioner GARRETSON. Yes.

Mr. POPE. Generally speaking, I have not, because, generally speaking, I have been satisfied that the foreman was right.

Commissioner GARRETSON. Yes.

Mr. POPE. So I want to qualify that question with that by saying that that is not——

Commissioner GARRETSON. You heard the testimony yesterday with regard to the number of appeals that have been made with the large number of men that the other organization employ?

Mr. POPE. Yes.

Commissioner GARRETSON. And you can see how it works out there?

Mr. POPE. Yes. I think that that is very largely a matter of personality and feeling—personal feeling between the foreman and the employees. Here in Butte I think that in the very large majority of cases it has worked out well. I think it is a good thing in a hazardous occupation like mining for the men to know that they must do in detail as the foreman or shift bosses ask them. They are continually ordering men to make their place safe. It is the general understanding that the man should take care of his heading first. Then he is to do his work. Now, these men have not the judgment of the foreman. That is why he is put in as a foreman, because he is the best miner that we can pick out, knows underground conditions, and knows what to do better than they do. And I think it is necessary that they should feel that whenever he issues an order for them to put in a wedge or block or piece of timber, that the orders are to be carried out to the letter under penalty of discharge.

Commissioner GARRETSON. You believe that is an extra hazardous feature of the employment?

Mr. POPE. I think so; yes; it has been my experience.

Commissioner GARRETSON. Doesn't the opposite maintain among other extra hazardous service?

Mr. POPE. I do not know. My experience has been entirely in mining work. I have no experience elsewhere.

Commissioner GARRETSON. Is not railway service extra hazardous?

Mr. POPE. It seems to me; yes; from the accident statistics; yes.

Commissioner GARRETSON. There are more railway employees killed and injured on an average, well, since the war started in Mexico—there have been more railway employees killed and injured in the same period than there have been in the Mexican war.

Mr. POPE. Yes; I suppose that is true.

Commissioner GARRETSON. That being the case, it would class as extra hazardous?

Mr. POPE. Yes.

Commissioner GARRETSON. But while the direct opposite condition maintains there and universally, no man can be discharged without the company is prepared to show cause, and justifiable cause; and it goes clear to the president of the property. Have you any reason to believe that discipline on the railway was impaired thereby?

Mr. POPE. Well, I have not had any railway experience except traveling over the line.

Commissioner GARRETSON. You ride on railways, I suppose, occasionally?

Mr. POPE. I do. But I do not think their discipline is as good as mine discipline, no.

Commissioner GARRETSON. No; and it is not as good as it is in the Regular Army.

Mr. POPE. No; I don't think so.

Commissioner GARRETSON. They don't shoot them for disobeying orders.

Mr. POPE. Neither do we.

Commissioner GARRETSON. Oh, no; you just shoot them out.

Mr. POPE. But the conditions here are different from almost any other community that I know of. If a man is discharged, in Butte at least, and generally speaking in Montana, as far as my experience goes, it is not considered that he is sentenced to starve to death; that he is not allowed to get a job somewhere else; he can go back the first of the month and get a job.

Commissioner GARRETSON. You don't consider in the other service either. Isn't it a fact that the day of absolute judgment is passing?

Mr. POPE. In some lines.

Commissioner GARRETSON. The general tendency I am speaking of.

Mr. POPE. The general tendency is toward democracy, no doubt about that.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. POPE. I will have those extra statements prepared for you, Professor. (See Pope Exhibit No. 1.)

Acting Chairman COMMONS. That is all; thank you. Gov. Stewart.

TESTIMONY OF GOV. SAMUEL V. STEWART.

Acting Chairman COMMONS. For the record, will you give your name?

Gov. STEWART. Samuel V. Stewart; Helena, Mont.

Acting Chairman COMMONS. And you are governor of the State of Montana?

Gov. STEWART. I am.

Acting Chairman COMMONS. How long have you been governor?

Gov. STEWART. Since January, 1913.

Acting Chairman COMMONS. Have you held any State office prior to that?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. The points of interest which have come up in this hearing so far bear upon the general instructions which Congress has given to this commission, that we should investigate the underlying causes of unrest and should make recommendations, either to Congress or to other legislative bodies, with reference to remedying any causes of industrial unrest, that seem practicable and possible. It is not the object of the commission to arbitrate or enter into disputes, but to get the more fundamental, permanent things which should be considered and discussed in the report and recommendations of this commission. The points that seem to have been developed so far turn upon such questions as the influence of corporations in politics, in elections, the control of the judiciary, legislation, local and State governments; the influence of corporations in the control of labor, particularly, in this instance, the control of labor unions.

Now, we should like to have your general opinion on the subject based upon your experience and observation, particularly upon the situation in the State of Montana. First, will you state what is the law and practice of the State regarding the question of the militia and Federal troops and State troops, the enforcement of law, and summary law, and the calling out of the troops in labor disturbances. Has there been any such?

Gov. STEWART. No.

Acting Chairman COMMONS. In this State?

Gov. STEWART. I am not exactly positive about what happened years ago, but certainly there has been no martial law in this State, no troops have been called out, either State or National, for many years. I think back in the nineties, in the railroad strike, I believe it was—that was before my time—there were some troops brought in here, but of course I have no intimate knowledge

of that, and would suggest that you get some person who has more intimate knowledge if you care to go into that feature.

Acting Chairman COMMONS. That is the Federal troops?

Gov. STEWART. Yes. But for the last 20 years no troops of any kind have been brought out in labor disputes; as far as I know none have been requested. This recent strike caused a good deal of talk about the utilization of troops, and it was thought at one time that for the preservation of law and order that resort might be had to troops. But I can say as far as the State government is concerned and as far as we were concerned at that time, that was only viewed as an absolutely last resort and then only for the protection of life and property.

Acting Chairman COMMONS. Is the governor bound by requests?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. It is in his discretion?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. On such information as he may himself have?

Gov. STEWART. That is my construction of the law. I certainly assumed the responsibility wholly for such action or inaction as obtained in the recent disturbance.

Acting Chairman COMMONS. The governor, of course, has authority to send his own investigators and find out the facts?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. What is the force of militia in this State?

Gov. STEWART. About 600 men at the present time.

Acting Chairman COMMONS. What is the financial arrangement regarding their pay and services, and so forth?

Gov. STEWART. Well, they are not under pay ordinarily because they are not in use, but if they are called out they are paid from the State treasury. I assume that the order can be drawn direct on the State treasury for the pay of the men.

Acting Chairman COMMONS. By the governor?

Gov. STEWART. By the governor.

Acting Chairman COMMONS. Without audit by the auditor?

Gov. STEWART. I think that perhaps it would go through his hands; I am not clear on that; I haven't looked it up carefully. In Colorado I understand that they tested it out recently, and it was held that the auditor could not stop it.

Acting Chairman COMMONS. The governor's word is final?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. As to the amount of expense and the persons to whom it should be paid?

Gov. STEWART. That is my understanding.

Acting Chairman COMMONS. The militia are enlisted, or in what way?

Gov. STEWART. They are enlisted; they are the National Guard.

Acting Chairman COMMONS. For what period?

Gov. STEWART. Well, as long as they care to affiliate.

Acting Chairman COMMONS. Is there a limit to the number that may be enlisted? You spoke of 600.

Gov. STEWART. Well, we are supposed to have a regiment, which would be 12 companies; but we only have 10 companies at the present time, and we cooperate with the National Government, with the War Department—and I assume that they wouldn't care to have maintained in this State more than one regiment.

I wish to say we could if we saw fit keep a full regiment; but we have made no particular effort to have them brought up to war strength, although last spring, when the Mexican situation was active there were hundreds of applicants came in from different organizations and different individuals desiring to enlist men and raise companies to take part in that trouble if it was necessary to send troops; but most of these men were not very anxious to remain in the National Guard in time of peace, therefore we did not enlist any new companies; we had 10 companies at that time, and we just simply kept them.

Acting Chairman COMMONS. Does the Federal Government have a certain force in this State?

Gov. STEWART. Not now; they used to have; they had four or five forts. There was one at Missoula, Fort Missoula, and Fort William Henry Harrison at Helena, and Fort Assinniboine at Havre, and Fort Keogh at Miles City, and they are all abandoned at the time; at least, there are no soldiers there.

Acting Chairman COMMONS. That was on account of the Mexican War.

Gov. STEWART. No, sir; they were taken away before the Mexican War came up. There are a few at Missoula only; the last ones were taken away some few months before the Mexican trouble came up; that is, before the United States became involved.

Commissioner GARRETSON. Those posts are nothing but relics of Indian conditions?

Gov. STEWART. No, sir; that is not true. Missoula and William Henry Harrison and Assinniboine are in a high state of repair and good shape.

Commissioner GARRETSON. I mean they were so created?

Gov. STEWART. No, sir; I think William Henry Harrison at Helena was created within the last 12 or 15 years. My understanding is that the fort has been enlarged and improved within the last 20 years at least, and over at Assinniboine the buildings are mostly new.

Acting Chairman COMMONS. Does this State have any legislation regarding the employment of armed guards, giving them authority as deputy sheriffs by private corporations?

Gov. STEWART. I don't think there are any regulations on that that I know of.

Acting Chairman COMMONS. There has been no legislation on that subject?

Gov. STEWART. I don't think so. There has been none of it to my knowledge, I haven't known of it being done.

Acting Chairman COMMONS. Do deputy sheriffs have authority to appoint such men as guards when they are in the pay or derive their pay from private corporations?

Gov. STEWART. Deputy sheriffs don't have.

Acting Chairman COMMONS. I mean the sheriff?

Gov. STEWART. The sheriff might have authority to appoint such men if they would be necessary to maintain peace, but I am not clear on that. I have never gone into that feature of it, it has never been brought up as far as I know.

Acting Chairman COMMONS. Questions of that kind have never come up in this State?

Gov. STEWART. Not in my administration.

Acting Chairman COMMONS. Not that you know of?

Gov. STEWART. Not any that I know of. I am not familiar with conditions of that kind.

Acting Chairman COMMONS. The question of the matter of the relation of corporations to the politics of the State, elections, and so on, has been a matter that has been considerably discussed in this State, has it not?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. When did that issue first arise, do you know?

Gov. STEWART. When corporations first began to do business in the State, I suppose the issue first arose.

Acting Chairman COMMONS. What class of corporations—railroad corporations?

Gov. STEWART. Well, all corporations, I presume. Mostly the talk has been about mining corporations.

Acting Chairman COMMONS. Has there been measures taken—legislative measures taken with reference to this activity of corporations in the politics of the State?

Gov. STEWART. Well, I presume that some of the measures on our statute books may have been aimed at reformation along those lines. While they do not specifically state, I presume that some of our legislation may have been actuated by some such reasons.

Acting Chairman COMMONS. What legislation?

Gov. STEWART. Well, just for the protection of the ballot; corrupt practice act, and different safeguards that have been thrown around the voter in the exercise of his franchise. We have, of course, as they have in all the States, I presume, the Australian ballot system, which we have had for a long time. It has been developed from time to time so as to make it as nearly perfect as possible, and we now have a very stringent corrupt practice act.

Acting Chairman COMMONS. When was the corrupt practice act adopted?

Gov. STEWART. The last one was adopted by initiative two years ago. Initiated by the people and passed. Prior to that time we have had from time to time different corrupt practice acts, more or less of them have been enforced strictly, others not.

Acting Chairman COMMONS. Now state the details regarding the publication of expenditures required?

Gov. STEWART. Under the present law it is very strict. Everything must show.

Acting Chairman COMMONS. All contributions must be shown?

Gov. STEWART. Yes, sir; everything.

Acting Chairman COMMONS. All money brought into the State from outside?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. How does the law secure publicity regarding contributions that might come from outside the State?

Gov. STEWART. Well, everything must be published, as I understand it.

Acting Chairman COMMONS. How do they get at a foreign contributor?

Gov. STEWART. Well, I don't know. The man himself is responsible; he is made responsible for everything he does.

Acting Chairman COMMONS. That is, the local man who would receive it?

Gov. STEWART. The man who would receive the contribution, I assume.

Acting Chairman COMMONS. Have any elections been held yet under this new act?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. You are not able to say then how it will work?

Gov. STEWART. I don't know how it will work out.

Acting Chairman COMMONS. Was the old act, the former act, unsatisfactory?

Gov. STEWART. Well, I suppose that there was a need felt for a new one or it would not have been passed. There has always been more or less talk about it, and it was felt by a good many people that the act which was passed was required to put the State in line with other progressive communities.

Acting Chairman COMMONS. Had there been charges or investigations which showed, prior to the adoption of these acts, that corporations had influenced—that their contributions had influenced the elections?

Gov. STEWART. There had been lots of charges, but I don't know of any investigation that ever disclosed those things to be absolutely true or to verify the charges.

Acting Chairman COMMONS. The matter was never investigated in this State?

Gov. STEWART. It was never investigated as far as I know of.

Acting Chairman COMMONS. Officially?

Gov. STEWART. As far as the corporations were concerned.

Acting Chairman COMMONS. So that it is only a matter of hearsay and charges?

Gov. STEWART. That is my understanding.

Acting Chairman COMMONS. And never has been established?

Gov. STEWART. That is my understanding.

Acting Chairman COMMONS. What are the principal mining corporations in this State?

Gov. STEWART. Well, what is known as the Amalgamated group of corporations are, I should say, the principal mining corporations. I wouldn't assume to give the names of all of them, because I don't know.

Acting Chairman COMMONS. The Amalgamated is the main mining interest in the State?

Gov. STEWART. It is the main mining interest, although there are numerous others, but they are the chief employers of labor and the chief producers of precious metals and copper in this State.

Acting Chairman COMMONS. You think that they include more than half?

Gov. STEWART. Yes, sir; I think more than half, considerably.

Acting Chairman COMMONS. Have you any legislation in this State regarding the activities of the lobby in the legislature—so-called lobby?

Gov. STEWART. Well, we haven't very stringent legislation on that subject.

Acting Chairman COMMONS. You say you do have some legislation?

Gov. STEWART. I don't think it is very stringent. There are some laws on the line of bribery and things of that kind.

Acting Chairman COMMONS. Are lobbyists required to register?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. No question of publicity regarding the lobbyists?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. Anything as to the expenditure of money?

Gov. STEWART. No, sir; nothing of that kind. At the last session of the legislature there was a bill of that kind considered more or less, but it never was passed.

Acting Chairman COMMONS. When was the initiative and referendum adopted in this State?

Gov. STEWART. In 1906.

Acting Chairman COMMONS. Is it now in the form in which it was originally adopted?

Gov. STEWART. Yes, sir; it never has been changed. It never was invoked from 1906, the time it was passed, until two years ago, 1912.

Acting Chairman COMMONS. What measures have been initiated and voted upon?

Gov. STEWART. What is known as the primary law, the corrupt-practice act, presidential primaries, and I am not sure whether there was another one or not; I know of those three.

Mr. MCCUSKER. We passed a State direct election of United States Senators.

Gov. STEWART. Yes; we passed a State direct election of United States Senators; all of them along that same line, the three of them.

Acting Chairman COMMONS. They were initiated?

Gov. STEWART. Yes, sir; they were initiated by the people.

Acting Chairman COMMONS. Do initiative measures go before the legislature?

Gov. STEWART. Not at all; they have nothing to do with it.

Acting Chairman COMMONS. It goes straight to the people?

Gov. STEWART. It goes straight to the people, and if it receives a majority vote it becomes a law upon the proclamation of the governor.

Acting Chairman COMMONS. Take the three interests—agriculture, transportation and railroads, and mining—which is the predominant interest in this State?

Gov. STEWART. The agricultural, at this time.

Acting Chairman COMMONS. How do you measure that—by the number of people engaged?

Gov. STEWART. Yes, sir; and by the number of representatives which they have in the legislative assembly at this time. We have grown very rapidly along agricultural lines in the last few years. The value of agricultural products has almost reached the value of the production of the mines. I think that last year the production of the mines aggregated right around $60,000,000, and farm products are right up about that, and recently a great many people have come into this State and located on these Government projects, reclamation projects, and on the Carey land-act projects, and on the dry land, so called. Up to the last few years it was not thought possible we could raise dry-land crops successfully in this State, but recent years have shown, with scientific methods employed, we can raise fine crops of wheat, flax, and sometimes oats and alfalfa and other crops without irrigation. That has caused a great influx of people into this State, and those people have formed themselves into active communities and have been responsible for the segregation of different districts into new counties. We have had since I became governor of the State, in the last 18 or 19 months, created the counties of Big Horn, Stillwater, and Richland, Sheridan, Toole, Webo, and Mineral, and Fallon.

Acting Chairman COMMONS. Are those all agricultural communities?

Gov. STEWART. Nearly all of them, except, perhaps, Mineral. All the others are agricultural counties.

Acting Chairman COMMONS. Elections are not yet held there?

Gov. STEWART. They held elections when they were created and elected their officers under the new law.

Acting Chairman COMMONS. Elected their representatives to the State legislature?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. They have representatives to the legislature?

Gov. STEWART. Of course, the legislature has not been in session since most of those were created. In the session of 1913 some of them were represented. In the session of 1913 the others elected their members, but they would not have—or they have not availed anything by reason of the fact that no session of the legislature has been held. However, they will elect at the regular election this fall again.

Acting Chairman COMMONS. Has there been representation in the legislature of the so-called labor element?

Gov. STEWART. Oh, yes.

Acting Chairman COMMONS. Labor vote?

Gov. STEWART. Yes; in fact they have always had representatives. That is, they have when they have had representatives—I mean that men affiliated with

organized labor have had membership in every legislature with which I have been familiar.

Acting Chairman COMMONS. Referring to agriculturists and labor and others, how do you divide up the lower house of the legislature, the membership?

Gov. STEWART. Oh, I think that in the last session considerably more than half of the lower house were interested in agricultural pursuits directly and indirectly, most of them directly, if not as actual farmers they were small business men and professional men from the agricultural districts who depend upon the farms for their support.

Acting Chairman COMMONS. And what proportion would be the representatives of labor interests?

Gov. STEWART. Well, I would not be able to say how many laboring men—that is, men who are affiliated with union labor—were in the last session; probably not to exceed—well, not to exceed a dozen, I should say.

Acting Chairman COMMONS. What is the total membership of the lower house?

Gov. STEWART. I have forgotten the membership the last time. It changes so rapidly with these new counties that I could not give it to you, but I can get it from the session laws and give you the figures.

Acting Chairman COMMONS. Are these labor representatives representatives of union labor or are they Socialists?

Gov. STEWART. No, no; they are union-labor men. There was one Socialist in the house and none in the senate the last time, and this Socialist was a farmer.

Acting Chairman COMMONS. Have the labor people been active people in securing measures?

Gov. STEWART. I think so.

Acting Chairman COMMONS. Bearing on the interests of labor?

Gov. STEWART. Yes, sir; I think so.

Acting Chairman COMMONS. What measures?

Gov. STEWART. Well, they have the eight-hour law and the different railroad laws which are on our statute books. Especially the one having to do with personal-injury suits, taking away from the corporations the defenses and the other measures having to do with the regulation of mines, the operation of them. I think that there are very few States that have as many regulations along that line as we have.

Acting Chairman COMMONS. Particularly for the mining industries?

Gov. STEWART. The mining industries and the railroad industries.

Acting Chairman COMMONS. There are no manufacturing?

Gov. STEWART. No; they are not very important in this State.

Acting Chairman COMMONS. Now, the farming interests have supported this class of legislation?

Gov. STEWART. Yes; they have, more or less. Of course, conditions, as I attempted to say awhile ago, are rather changing more or less. There was a time when the mining interests in this State absolutely dominated the situation, because it was looked upon as strictly a mining State. But that view is rapidly changing. Still, by that I do not want to be understood as saying that the mining industry is going backward at all. What I mean to say is that the farming industry is growing so rapidly that it is catching up, and in time must of necessity overtake the other industries.

Acting Chairman COMMONS. When you speak of the mining industry, you mean from the employers'—the corporation—standpoint?

Gov. STEWART. No; I mean just the industry as a whole—the production.

Acting Chairman COMMONS. From the wage earners' standpoint?

Gov. STEWART. From every standpoint.

Acting Chairman COMMONS. They used to dominate more than they do now?

Gov. STEWART. Yes.

Acting Chairman COMMONS. What I am getting at, as between the corporation that operates the mining industry and the employees that work in the industry, what is the attitude of the agricultural interests?

Gov. STEWART. Well, I should say that the attitude of the agricultural interests would be favorable to the employees, as between they and the employers.

Acting Chairman COMMONS. Imposing these protective measures upon the company?

Gov. STEWART. Yes, I understand so.

Acting Chairman COMMONS. On behalf of the employees generally, is that the way?

Gov. STEWART. That would be my judgment; that the sympathy of the nonmining member would ordinarily be with the employee rather than the employer.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. I want to ask one or two. You have a State liability law, have you—an employers' liability?

Gov. STEWART. Not——

Commissioner GARRETSON. This applies to all classes, or only railway and mining industries?

Gov. STEWART. That is not what you know as a State compensation liability.

Commissioner GARRETSON. No; I am speaking of liability as against compensation.

Gov. STEWART. Yes.

Commissioner GARRETSON. The old form.

Gov. STEWART. Yes.

Commissioner GARRETSON. The common-law remedy.

Gov. STEWART. Yes.

Commissioner GARRETSON. Does that debar—does it abolish the defenses of fellow servant, assumption of risk, and contributory negligence?

Gov. STEWART. Only in the railroad cases, as I understand it.

Commissioner GARRETSON. Only on the railroads. It does not apply to any other class?

Gov. STEWART. No.

Commissioner GARRETSON. Compensation laws have been introduced, but have not yet been enacted?

Gov. STEWART. Several were pending.

Commissioner GARRETSON. Have you had any State commission created for the investigation?

Gov. STEWART. Yes; we have had two or three. There was a commission appointed two years ago—four years ago—that prepared a bill which was introduced in the legislature and that bill was defeated. Several bills were introduced at that time. And again, two years ago, there were a number of bills, and at this time there is a measure pending before the people by initiation.

Commissioner GARRETSON. What has been the general attitude of the employer toward the enactment of compensation laws?

Gov. STEWART. Well, they claim they are favorable, but it is a question of getting together on a basis.

Commissioner GARRETSON. They are favorable to compensation that don't compensate, are they?

Gov. STEWART. Well, I do not know what they favor. I say they claim they are favorable.

Commissioner GARRETSON. The instance you refer to in 1894, when the troops were called, there was no clash between the troops and the people at that time, was there?

Gov. STEWART. I don't think so; I do not recall that there was.

Commissioner GARRETSON. That was the railroad strike, the labor strike, as it was called?

Gov. STEWART. Yes.

Mr. EVANS. It was that Coxey business.

Gov. STEWART. Yes; the Coxey affair.

Commissioner GARRETSON. You remember there were troops in 1894 at the time of the A. R. W. strike, I think? You spoke of the fact that measures had been passed which might indirectly have been actuated by the desire to deal with corporations. Have measures been introduced in the legislature which did actually deal with them and which failed of passage?

Gov. STEWART. Oh, lots of measures have been introduced on every subject.

Commissioner GARRETSON. Including that?

Gov. STEWART. Everything, I think, that you can imagine. We have our regular crop of bills every time the legislature meets.

Commissioner GARRETSON. Have corporations in the State ever debarred their employees from holding political positions while serving the company?

Gov. STEWART. I could not say as to that; I do not know.

Commissioner GARRETSON. You do not know whether there is a rule in effect now in Montana, as well as contiguous territory, by which the employees of railroad companies are debarred from being candidates for public office?

Gov. STEWART. I do not believe so, because we have a lot of them in the legislature each time; they hold our public offices.

Commissioner GARRETSON. That would show that the rule has been withdrawn?

Gov. STEWART. If there ever was it has been withdrawn. We usually have some conductors and sometimes engineers and firemen—always conductors. They seem to be there every time.

Commissioner GARRETSON. I will say there was a rule in effect on one of the railroads crossing the State of Montana and was in effect for many years. You remember the incident of the special train some years ago?

Gov. STEWART. Yes.

Commissioner GARRETSON. That is what brought it about?

Gov. STEWART. Yes.

Commissioner GARRETSON. That was the conductor on that train who was a fugitive legislator.

Gov. STEWART. Yes; I remember it.

Commissioner GARRETSON. In regard to unrest, I would like to ask you one question upon your experience. I know you stated you have not held office before, but I judge from the one you now hold and certain offices, that you have come in contact with many men of many classes. Do you believe that social unrest, I am using the wider word for industry, that social unrest is contributed to by the great aggregation of wealth that occurs in the hands of the occasional individual?

Gov. STEWART. Well, I presume that is true.

Commissioner GARRETSON. Do you believe there is any greater influence to create such unrest than that—that is the result, bear in mind, of a system—and do you believe that any other influence contributes in greater degree to the condition of social unrest?

Gov. STEWART. Well, I do not know that I could answer that intelligently. It seems to be a universal unrest that is over the world, as evidenced by the recent war.

Commissioner GARRETSON. It does——

Gov. STEWART. And I would not be able to say that one thing has contributed in this country more than any other one thing. There is no doubt but what the cause that you mention has had its influence.

Commissioner GARRETSON. I will phrase it in a little different way. If other alleviative measures were originated and made effective, do you believe if that one continued to exist that the great bulk of unrest would be done away with—bear in mind I am putting it on the basis of an envious unrest.

Gov. STEWART. In this case——

Commissioner GARRETSON. I am not putting it on a high moral ground at all—that this envious unrest comes from that?

Gov. STEWART. No; I do not really believe that there is an envious unrest in this State.

Commissioner GARRETSON. I am not applying that question in that respect—world-wide.

Gov. STEWART. Well, it might be true, but I have found from my experience in this State a great degree of loyalty among the employees for the interests of their employers and a great deal of pride in the success of the enterprise in which they are engaged. I think that is more noticeable than the idea of envy. I would not speak as to the rest of the world because I am not familiar enough with general conditions to apply that doctrine.

Commissioner GARRETSON. That loyalty was directed toward the individual employer—I am using individual as applied to corporations as well as men.

Gov. STEWART. Yes, sir.

Commissioner GARRETSON. To the individual employer for whom they serve?

Gov. STEWART. For whom they serve.

Commissioner GARRETSON. But at the same time right with it may exist wild resentment of the wealth accrued with some of them?

Gov. STEWART. Yes, sir; I think that is true; no doubt about that.

Commissioner GARRETSON. I am a believer as you are in the loyalty of the average employee to his employer if he is decently treated.

Gov. STEWART. Yes, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Any other questions?

Commissioner LENNON. Governor, how in your opinion compares the attitude of employers in this State toward organized labor as compared with surrounding States, those that are near by that you have some knowledge of?

Gov. STEWART. I think that the attitude of the employers in this State toward organized labor is infinitely better from the point of view of the employee than it is in any of the other surrounding States. In fact, I don't believe that there is a State in the Union where organized labor is as strong and as well satisfied as the State of Montana.

Commissioner LENNON. Have you any law in this State regarding, we will say, the subject of mediation and arbitration in case of labor disputes?

Gov. STEWART. No; I think not.

Commissioner LENNON. You have no bureau or board to carry out any mediation of that kind?

Gov. STEWART. No; I think not.

Commissioner LENNON. Well, has the governor any power under laws giving him power to appoint special representatives, or has he that general power?

Gov. STEWART. Well, I should say he would have the general power, but the appointees would probably be without authority other than advisory.

Commissioner LENNON. Yes. Do you have a labor-statistics department?

Gov. STEWART. Yes, sir; we have a department of labor and industry.

Commissioner LENNON. Studying not only the questions of labor, but agriculture and mining?

Gov. STEWART. No. We have two departments. Formerly we had the department of agriculture, labor, and industry. At the last session of the legislature we segregated those and created a department of labor and industry, with a commissioner at its head, and a department of agriculture and publicity, with a commissioner. Our department of labor and industry is devoted wholly to the labor and industry world.

Commissioner LENNON. What is the magnitude of the lumber interests in this State, Governor?

Gov. STEWART. They are very large, but I would not attempt to give the figures at this time.

Commissioner LENNON. No. They come next to the matter of mining and agriculture, do they not?

Gov. STEWART. Yes, sir; I should say they do.

Commissioner LENNON. Have you been in the lumber camps? What do you know as to conditions and the mode of living in the lumber camps in Montana as compared with, perhaps, certain parts of Washington and this western country?

Gov. STEWART. Well, I could not——

Commissioner LENNON. Have you ever been in the lumber camps?

Gov. STEWART. I could not compare them. I have never been at any length in the lumber camps of Montana to get a definite idea, and I have never been in any of the camps of the surrounding States.

Commissioner LENNON. Have you been in this State?

Gov. STEWART. Some of them.

Commissioner LENNON. Well, do the men seem to be fairly well cared for?

Gov. STEWART. I think so; I think so.

Commissioner LENNON. Does the Sunday work apply in the camps, do you know?

Gov. STEWART. I am not sure about that. I would say that there is no rule; that that probably would be a matter of local arrangement. It may in some places, and others not.

Commissioner LENNON. Is there any power on the part of the State as to inspection—any department—that might, if they had a sufficient appropriation or inclination, that they might go in there and make inspections?

Gov. STEWART. Well, along what lines would you mean?

Commissioner LENNON. Well, as to sanitation of their camps?

Gov. STEWART. Oh, yes. Yes; indeed. Our health laws are considered to be very good, indeed. At the national associations the secretary of our State board of health told me that our laws were considered by that association to be about as perfect as any in existence, and our State board of health, under the direction—has under its direction a secretary and other officials, who make careful investigations of all those matters.

Commissioner LENNON. Has the State the power to make investigations as to sanitary conditions in the mines at any time they desire?

Gov. STEWART. Yes, sir; we have mine inspectors.

Commissioner LENNON. Yes.

Gov. STEWART. We inspect the mines at all times, and coal-mine inspectors who inspect the coal mines. And, in addition to that, the health department can be called in on anything that affects the health of the employees.

Commissioner LENNON. Do you know—has there been any complaint, any considerable complaint, as to the inefficiency of these departments?

Gov. STEWART. No, sir; I don't think so. I haven't heard it.

Commissioner LENNON. Yes. Has there ever been any considerable land grants from the Government of the United States to corporations in this State, either railroad or mining corporations?

Gov. STEWART. There was a tremendous grant to the Northern Pacific Railway Co.

Commissioner LENNON. Did that grant in giving land to this corporation, did it cover considerable agricultural land?

Gov. STEWART. Oh, yes, indeed; a vast amount of it.

Commissioner LENNON. In whose name do the titles now rest, in the main? I don't mean——

Gov. STEWART. Most of that land has been sold by the railroad companies from time to time to individual settlers, landowners, and the balance of it, I think, now rests with the Northern Pacific Railway Co.

Commissioner LENNON. Have there ever been any grants to mining corporations?

Gov. STEWART. Not to my knowledge.

Commissioner LENNON. Well, in this land grant to the Northern Pacific Railway Co., were there any reservations as to mineral rights?

Gov. STEWART. Yes, sir.

Commissioner LENNON. Has that been the cause of litigation to any extent in this State?

Gov. STEWART. To some extent. There have been some decisions on that. They reserved coal and iron, as I recall it, or everything but coal and iron, and the railroads when they sold reserved everything. And we had a suit last summer in which the supreme court held that the reservations—or reserves, rather, the reserved minerals—were taxable separate and apart from the land.

Commissioner LENNON. Do you remember of the case that was decided that—will you have some one—I have a personal reason for wanting to study the matter—would you have the case, the number of the case, and the book in which it can be found given to the commission?

Gov. STEWART. Certainly; be glad to do so.

Commissioner LENNON. Yes.

(See Stewart Exhibit No. 1.)

Gov. STEWART. I will say that that is a matter that I had under consideration quite a while. When I was practicing law the matter came up, and I formed the opinion that these reservations, or, rather, reserved minerals, were taxable; and after I was elected governor and Mr. Kelly, the present attorney general, was elected attorney general, we discussed the matter, and he entertained the same view. And we advised the assessors to assess those reservations. They did so, and a suit was brought to strike the assessment of these reserved minerals from the tax rolls in Park County last summer. And that was decided by Judge Stark, of the district court in Park County, and appealed to the supreme court and affirmed, both courts holding that they were property separate and distinct from the surface and subject to taxation.

Commissioner LENNON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Is there any law, Governor, in this State regarding the boycott and the blacklist?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. What is the substance of it?

Gov. STEWART. Well, I would not attempt to give you the substance of it, because I haven't looked it up recently, and I would prefer to reserve—give you the citations of the law later and let you incorporate it in that way.

Acting Chairman COMMONS. Has there been any attempt on the part of employers in this State to secure injunctions or damages or prosecutions of organized labor, of unions?

Gov. STEWART. No; I don't think there has been any attempt to prosecute the unions along those lines.

Acting Chairman COMMONS. How do you account for this favorable attitude of organized labor and their representatives in the legislature toward corporations, toward employers? I take it from the answer that you gave a moment ago that you refer simply to the attitude in private relations between the individual and the employer. Is the same attitude shown in the dealing with labor legislation in this State?

Gov. STEWART. You mean the same liberality shown?

Acting Chairman COMMONS. By the workingmen, by the employees, toward the employer; that is, put it in another way, when it comes to a matter of labor legislation, is it conducted simply by a lobby, two lobbies coming before the committee, one representing labor interests and the other the employing interests, regarding, we will say, mine inspection or hours of labor, and then leaving it to the committee to decide? Or is there an attempt prior to that for the employers and employees to get together and agree upon practicable measures that will satisfy both, and thus come before the legislature united on some of these labor measures?

Gov. STEWART. Well, I assume that both methods have been used. For instance, when the eight-hour law was passed it was sort of conceded before the legislature convened that it would be enacted, by reason of the fact that the different parties had declared in favor of it and put it in their platforms. Usually most of the laws embodying reforms have been brought about in that way. There has been an agitation which has resulted in their being made issues, and the different political parties indorsing the theories and pledging themselves to enact a suitable law. And then, of course, when the legislature convenes the method that you mention has been in vogue, and they have committee hearings, and lobbies appear for all sides.

Acting Chairman COMMONS. Well, coming down more specifically, take such a thing as the mine-inspection laws in this State. I am not familiar with what they are. In the drafting of those laws were the employers, the mine operators, consulted?

Gov. STEWART. I think so. I think all elements were consulted.

Acting Chairman COMMONS. They were all consulted so that the law was not only effective but practical; it not only reached the object which the labor people wanted, but was practicable in the sense that it fitted in with the business arrangements?

Gov. STEWART. I think so. I would not say that that law nor any other law is entirely satisfactory to both elements. It is, I think, undisputed that if the employers had their way about it absolutely that it would be modified; and if the employees had their way it would be modified in the other direction, and it is probably the result of a compromise.

Acting Chairman COMMONS. There is no provision in the labor-legislation law and inspection law for the inspector to modify the law to fit the actual conditions?

Gov. STEWART. Oh, no; he can't modify the law. He must administer the law as he finds it.

Acting Chairman COMMONS. There is no power for him to issue orders in the way of adjusting the law in special cases?

Gov. STEWART. No, sir.

Acting Chairman COMMONS. Or particular instances?

Gov. STEWART. I don't think so.

Acting Chairman COMMONS. It is all up to the discretion of the inspector in the field?

Gov. STEWART. Yes.

Acting Chairman COMMONS. As to whether the law actually applies or not?

Gov. STEWART. Yes; but, of course, he has not the final say. The court must enforce the law, although the inspector should be derelict in his duty and refuse to report an abuse of the law—any individual could make a complaint and bring about a prosecution which would subject the offender to the penalties of the law.

Acting Chairman COMMONS. Do you happen to know about the prosecutions that have been entered by the mine-inspection department?

Gov. STEWART. Oh, I think there have been a good many.

Acting Chairman COMMONS. And what is the verdict usually; how does it come out?

Gov. STEWART. Well, I could not say as to that. I know a good many fines are imposed from time to time. But, of course, there are complaints probably that are ungrounded, and in those cases no conviction would obtain. But I think that, taking it as a whole, the law is pretty well enforced.

Acting Chairman COMMONS. Is there any law in this State regarding work on Sunday in mines?

Gov. STEWART. I don't think so.

Acting Chairman COMMONS. There has never been legislation on Sunday?

Gov. STEWART. No.

Acting Chairman COMMONS. Has the matter been up in the legislature?

Gov. STEWART. I am not sure that it has. I believe that it may have been discussed, but I don't believe very seriously.

Commissioner LENNON. Have you any Sunday laws?

Gov. STEWART. Yes; we have some; but, of course, we haven't the strict Sunday laws that they have in some States. Sunday is a nonjudicial day in this State—holiday.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. Have you any suggestions bearing on recommendations that you think this commission should make toward this general subject that has been before you to-day with reference either to the State—the part that the State should take or the Federal Government should take?

Gov. STEWART. No; I could not say that I have. I will say this, that I am a strong believer in the arbitration of differences between capital and labor. And I believe a board such as your board, if clothed with authority, could effect a great reformation in the relations between labor and capital if they were enabled to go in and hold hearings and hand down findings that would be binding on both sides.

Acting Chairman COMMONS. Would your idea be that that should be a Federal board or State boards? Which would you think would be more effective in a matter where we have these large corporations operating throughout the country—I am not speaking of railroads now, because they do have that law for railroads, but for mining and manufacturing men particularly—do you think a Federal board of mediation and arbitration similar to that which is in vogue in the matter of railways would be advisable or would you think that that ought to be left entirely to the States?

Gov. STEWART. Well, that is a hard question to answer. There are advantages on both sides. The Federal board would be further removed from local influences and less likely to be swayed by those local influences. On the other hand, a State board would have perhaps more intimate knowledge of the situation, so that it would be a hard question to answer. On the whole, though, I think a Federal arbitration board would probably be more effective.

Acting Chairman COMMONS. When a disturbance of this kind, a labor disturbance reaches a critical position and large numbers involved, would the State likely be compelled to call for Federal troops instead of relying upon the State militia?

Gov. STEWART. It might.

Acting Chairman COMMONS. Suppose such were the case in Montana, that five or ten thousand men were on strike; could the State militia cope with the situation?

Gov. STEWART. Well, I could not say as to that. It would depend upon circumstances. I believe that the people of this State are loyal enough to respond to any call that would be made to maintain peace and quiet if they had time in which to organize and get in shape. However, in case of strike disorders I think they could be very much more easily quieted by the intervention of Federal troops. My idea is that the appearance of Federal troops prevents resistance in many cases and things quiet down, whereas as with local authorities, such as militia, very often the disturbing elements desire to take a try at them and see if they can't whip them.

Acting Chairman COMMONS. In case Federal troops come in, their only object is to preserve the law and order?

Gov. STEWART. Well, that would be the only object that either one could possibly have.

Acting Chairman COMMONS. Now, in that case would a board, in your opinion, a board of mediation and arbitration, also under the authority of the President of the United States, with power to precede the troops and endeavor to conciliate—would not that follow from the ultimate fact that the President might be compelled to order in the troops in such a case?

Gov. STEWART. Yes; I think that is true.

Acting Chairman COMMONS. Would that, in your opinion, be a justification for a Federal board of this kind, a permanent board, to undertake such mediation in matters which lie solely within a State?

Gov. STEWART. I think so. I think it would be unfair to ask the Federal Government to station troops in any State permanently. And the permanency would necessarily follow if there was no authorized medium through which a settlement of the existing difficulties could obtain. For instance, if you just sent them in there to quell the disorder, they would quell the disorder, and when they were removed, if the cause was not removed, the disorder would

recur. And it would seem to be futile to keep sending them back unless you could remove the cause.

Acting Chairman COMMONS. How far would you go in giving power, legal power, compulsory power to such a board of mediation and conciliation? Or have you thought about that?

Gov. STEWART. Well, I haven't thought about that enough to be able to say, but it does seem that there ought to be some such a board; and I feel this way, that if there was a properly authorized board, that you would never need any troops, because I believe that the employers and the employees in ordinary cases would be satisfied with the results, and would abide by them, with the findings of such an arbitration board. There is not any disposition or desire on the part of the ordinary citizen of this country to indulge in any disorders at all. I think that the disorders that have obtained in this State have been due perhaps to outside influences, although there are grave differences between the men. The ordinary miner in this camp, the man who has lived here and worked here, he may have his grievance, but he is perfectly willing to settle it in an ordinary and legal way and abide by the result. Our people are good losers, and, while they will fight hard for what they want, if they don't get it they don't take up arms. I think that those who resort to that kind of tactics are outsiders.

Acting Chairman COMMONS. Well, then, you think that such a board, if necessary to be constituted, such a board should be in a position to act promptly, in the very initiation, prior to any disturbance?

Gov. STEWART. Yes; I think there would not be the disturbance, because if they knew they had a court, a fair and impartial court, with full authority, they would resort to that rather than to the disturbance.

Acting Chairman COMMONS. Supposing that such a Federal board were created, would you consider that it should have power to enter a State on its own initiative, in a purely local matter, or would it have to wait upon the request of the governor, as is the case in the bringing in of the troops?

Gov. STEWART. Well, they ought to have authority to take up all labor disputes.

Acting Chairman COMMONS. Regardless of whether the governor makes request or not?

Gov. STEWART. I should think so, if a Federal board is to be established?

Acting Chairman COMMONS. Would you give that board the power of taking testimony under oath?

Gov. STEWART. Oh, yes.

Acting Chairman COMMONS. And the bringing in of books, that would be essential?

Gov. STEWART. I think absolutely.

Acting Chairman COMMONS. And with reference to preventing strikes and lockouts pending investigations, like the Canadian system, what would be your idea of adopting the Canadian system?

Gov. STEWART. I am not familiar enough with the Canadian system to speak, but I think there ought to be some such provision as that, so that industries could be continued pending the settlement of differences.

Acting Chairman COMMONS. You haven't considered that phase wholly?

Gov. STEWART. No; I haven't considered it.

Acting Chairman COMMONS. You would want a little more evidence on both sides to form an opinion?

Gov. STEWART. Yes, sir.

Acting Chairman COMMONS. Do you have any questions, gentlemen?

Commissioner GARRETSON. Just one question that has come out of this: Governor, you just stated your belief in arbitration?

Gov. STEWART. Yes, sir.

Commissioner GARRETSON. The moment that arbitration becomes compulsory hasn't it ceased to be arbitration and become a labor court?

Gov. STEWART. Well, that is the trouble. That is the only trouble about it.

Commissioner GARRETSON. The very essence of arbitration is voluntary action on the part of the two who have disagreed?

Gov. STEWART. Yes; that is true.

Commissioner GARRETSON. That is all.

Gov. STEWART. But, of course, until we can get some perfect system we will find any system with its faults.

Commissioner GARRETSON. Oh, yes. Have you been familiar with the workings of the Canadian act?

Gov. STEWART. What?
Commissioner GARRETSON. The Canadian disputes act?
Gov. STEWART. No; I haven't.
Commissioner GARRETSON. It is a compulsory investigation without any binding power.
Gov. STEWART. What I have said about this has been brought out right here. I had no idea that this line would be followed, and I haven't any very well defined views on this question. They are more or less unsettled and uncertain and would be subject to change if I could get information on which to base a decision.
Commissioner GARRETSON. If you had the facts before you, that is true.
Gov. STEWART. Certainly.
Acting Chairman COMMONS. One more question: Has the subject of unemployment been a matter of importance in this State?
Gov. STEWART. No; I think not.
Acting Chairman COMMONS. Lack of employment?
Gov. STEWART. No. I think our people have been very largely employed.
Acting Chairman COMMONS. Does that hold true for a period of years?
Gov. STEWART. Yes.
Acting Chairman COMMONS. Past?
Gov. STEWART. Many years back.
Acting Chairman COMMONS. You have a considerable force of what is called floating or casual labor?
Gov. STEWART. Yes; there are a good many so-called floaters—people who work and move on—but we don't have a very large number of unemployed.
Acting Chairman COMMONS. It is mostly the floating, casual labor?
Gov. STEWART. Yes.
Acting Chairman COMMONS. Do you have any State or municipal systems of free employment offices?
Gov. STEWART. Yes; there are free employment offices in nearly every city in the State.
Acting Chairman COMMONS. Are they under a State system?
Gov. STEWART. Well, they are under the city generally, but under a general law.
Acting Chairman COMMONS. Are you familiar with the operations of any of those?
Gov. STEWART. Not very familiar.
Acting Chairman COMMONS. You could not state as to whether they are effective or efficient or not?
Gov. STEWART. No; I could not say as to that.
Acting Chairman COMMONS. I think that is all, Governor, and we are very much obliged to you.
Gov. STEWART. Thank you, gentlemen.
Acting Chairman COMMONS. Mr. Dan Sullivan.

TESTIMONY OF MR. DAN SULLIVAN.

Acting Chairman COMMONS. Mr. Sullivan, will you give your name to the reporter?
Mr. SULLIVAN. Dan Sullivan.
Acting Chairman COMMONS. Your address is Butte?
Mr. SULLIVAN. 112 West Broadway, Butte.
Acting Chairman COMMONS. What is your position at present?
Mr. SULLIVAN. Superintendent of streets, city of Butte.
Acting Chairman COMMONS. Have you been employed in the mines?
Mr. SULLIVAN. Yes, sir.
Acting Chairman COMMONS. For how long?
Mr. SULLIVAN. About 23 years, between Montana and Michigan.
Acting Chairman COMMONS. How long in the mines at Butte?
Mr. Sullivan. Nineteen years, off and on, mostly here in Butte; about 18 months on the outside out of that 19 years.
Acting Chairman COMMONS. With what company were you employed here, Anaconda?
Mr. SULLIVAN. Anaconda Co., Heinze Co., the North Butte Co., Butte & Superior Co.
Acting Chairman COMMONS. All of the companies practically?
Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. How long since you have been employed in the mines?

Mr. SULLIVAN. A year ago last June since I——

Acting Chairman COMMONS. Were you discharged at that time?

Mr. SULLIVAN. No; I left my work voluntarily to accept this position for the city.

Acting Chairman COMMONS. Is this an appointive position?

Mr. SULLIVAN. This is an appointive position.

Acting Chairman COMMONS. How long have you been a member of the union, or you are a member and have been, have you?

Mr. SULLIVAN. I have been a member up to some time after I accepted this job, and then I discontinued paying dues to the Butte Miners' Union. I haven't been connected with any union since.

Acting Chairman COMMONS. Not been connected with any union?

Mr. SULLIVAN. Not any since.

Acting Chairman COMMONS. What positions have you held in the miners' union?

Mr. SULLIVAN. I was president of the Butte Miners' Union.

Acting Chairman COMMONS. At what time?

Mr. SULLIVAN. I was elected in December, 1910, and again in June, 1911.

Acting Chairman COMMONS. Are elections held every six months?

Mr. SULLIVAN. They were at that time. Later on they amended their by-laws and constitution to have elections annually instead of semiannually.

Acting Chairman COMMONS. What at that time was the voting membership of the miners' union?

Mr. SULLIVAN. Those eligible to vote, you mean?

Acting Chairman COMMONS. Yes; eligible to vote.

Mr. SULLIVAN. Why, in the neighborhood of 6,000.

Acting Chairman COMMONS. At that time were the number—what was the number eligible to membership? Those were dues-paying members, I take it, 6,000 dues-paying members?

Mr. SULLIVAN. Yes; there were probably 6,500, and some of those men were a few months behind and they are not eligible to vote. You had to be in good standing in the union in order to vote. That meant that your dues would have to be paid up within 60 days of the day you voted.

Acting Chairman COMMONS. Yes; and apparently there were 9,000 men employed in the mines here. Would that number be eligible to membership?

Mr. SULLIVAN. Yes; all the men in the mines and men working around the sawmills and mills or at the surface work that were not connected with any particular trade or craft.

Acting Chairman COMMONS. Well, then, apparently there were some 3,000 eligible who had not paid up their dues?

Mr. SULLIVAN. At that time there was what is called the smelterman's union. Now, they had jurisdiction over all work on the surface and around the surface and in the different mills here, carpenter shops, and so forth, those that were doing the work. Later on the smeltermen's charter was revoked, and they were taken over by Butte Miners' Union No. 1. Then they came under the jurisdiction of Butte Miners' Union No. 1 from that time.

Acting Chairman COMMONS. That was after your election?

Mr. SULLIVAN. Yes.

Acting Chairman COMMONS. When was this consolidation?

Mr. SULLIVAN. That was in the winter of 1912.

Acting Chairman COMMONS. Were you president?

Mr. SULLIVAN. No, sir; not at that time.

Acting Chairman COMMONS. During what period, what dates, were you president?

Mr. SULLIVAN. I was president from the 1st of January, 1911, to the 5th of August, I think, 1911. I served one month of the second term as president.

Acting Chairman COMMONS. When you resigned to take this?

Mr. SULLIVAN. No; I was elected on the executive board of the Western Federation of Miners at the convention that was held here at Butte at that time.

Acting Chairman COMMONS. You resigned to take that?

Mr. SULLIVAN. I was elected on that, to that position, and consequently I left the other position as president of the miners' union.

Acting Chairman COMMONS. Can you describe the system that is known as the rustling card system?

Mr. SULLIVAN. I don't know very much about it. I have never made application for a rustling card—only what I hear other fellows tell about it.

Acting Chairman COMMONS. Has it been a matter which was discussed in the union?

Mr. SULLIVAN. Yes; it was taken up in the Butte Miners' Union.

Acting Chairman COMMONS. And you heard the discussion?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Did you take part in it?

Mr. SULLIVAN. Yes, I did.

Acting Chairman COMMONS. So that you feel you are informed about it?

Mr. SULLIVAN. Yes; of course, I don't know how the workings in the office are up there, or how you make application, or anything of that kind, because I have never made application to any of the men for any job.

Acting Chairman COMMONS. What date was that system adopted?

Mr. SULLIVAN. It was in the fall of 1912, some time around there.

Acting Chairman COMMONS. Is there any one of these witnesses who knows more about this than you do?

Mr. SULLIVAN. Well, I guess some of them that made application for work; I don't know whether any are going to be called here or not.

Acting Chairman COMMONS. You have noticed the names on the printed list?

Mr. SULLIVAN. I don't know as any of these fellows has made application for a rustling card.

Acting Chairman COMMONS. You may explain the system as you understand it, the best you can.

Mr. SULLIVAN. Well, that rustling card was adopted here by the company and put into execution; and we brought it up in the miners' union and wanted to know at that time if the union was going to take any action to find out about this card, or what was going to be done. The result of it was there was a committee appointed to investigate. They did investigate, and they held a meeting at the auditorium on West Broadway, to report back. That is where they reported back to the membership—this committee, that was appointed to investigate. The meeting was called down there and a majority of the committee reported, and there was a minority report. The majority report was read and the man at the head of the minority report got up to read his report, and he wanted to make some statement before he read his report, and he started in to make his statement to the membership there, and before he got through his statement, before he had really started to make his report on the rustling card system here, the lights were turned out and the meeting broke up there and a large part of the membership left, probably one-third. So they finally got the lights back on and the members that were left there held a meeting, and this man reported on the rustling card system. Now, I don't remember what the report was.

Acting Chairman COMMONS. What was the majority report?

Mr. SULLIVAN. I don't hardly remember what the majority report was. They reported about the card being in vogue here, that they did not think they could do anything. I think that was about what the substance of the report was.

Acting Chairman COMMONS. The majority report was favorable to the card?

Mr. SULLIVAN. The rustling card.

Acting Chairman COMMONS. The minority report was opposed to it?

Mr. SULLIVAN. Opposed to the rustling card.

Acting Chairman COMMONS. Your explanation is that the minority was not allowed to make a report?

Mr. SULLIVAN. Did not make the report with the regular officers at their positions in the union.

Acting Chairman COMMONS. Was other action taken by the union on that system?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. What was it?

Mr. SULLIVAN. Yes, sir. The next Tuesday night, two weeks from that night, the members that were opposed to the card seemed to go to the hall in large numbers. They got the motion through that they take a referendum vote on whether they were in favor of this card or not. And the referendum was held.

Acting Chairman COMMONS. Explain your method of holding a referendum.

Mr. SULLIVAN. Well, the referendum vote means that every man in good standing in the Butte Miners' Union can, on presenting his card to the clerks and judges, cast his vote either way he wants to.

Acting Chairman COMMONS. Must that be done at certain hours?

Mr. SULLIVAN. Yes; between 9 o'clock in the morning and 11 o'clock in the evening. The polls are open all that time, between 9 o'clock in the morning——

Acting Chairman COMMONS. About 14 hours?

Mr. SULLIVAN. Yes.

Acting Chairman COMMONS. Are available for voting?

Mr. SULLIVAN. Yes.

Acting Chairman COMMONS. Does that make it possible for every man that is eligible to vote?

Mr. SULLIVAN. Well, I don't think that under a question of that kind where it was voting yes or no—I do think they could vote the whole, entire membership in that time. If the vote was to pass on different candidates it would require more time.

Acting Chairman COMMONS. They voted on this question yes or no; that is, to approve or disapprove this system?

Mr. SULLIVAN. Yes.

Acting Chairman COMMONS. What was done at the referendum on this?

Mr. SULLIVAN. There were something like 4,000 votes cast; the majority were opposed to the card.

Acting Chairman COMMONS. What was the vote?

Mr. SULLIVAN. I don't remember the exact figures, but the majority won out by 250 or 300. That is about the majority that they had.

Acting Chairman COMMONS. Against the card?

Mr. SULLIVAN. Yes; against the card. And I might state that this ballot that was presented by the officers at that time confused a great many of the members. In order to vote against this here rustling-card system you had to vote yes, instead of, as under ordinary circumstances, if you wanted to vote against a proposition you voted no. The reading of the ballot was such if you wanted to vote against the card you had to vote yes, and a great many of the members thought that was the reason that rustling cards got such a vote that it did.

Acting Chairman COMMONS. That is, you think the majority against it would have been larger?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. But you say that the majority against it was about 200?

Mr. SULLIVAN. Between 250 and 300, I think.

Acting Chairman COMMONS. Out of 4,000 votes?

Mr. SULLIVAN. Out of 4,000 votes.

Acting Chairman COMMONS. And there were about how many eligible to vote?

Mr. SULLIVAN. I don't know how many were in good standing at that time; I would venture to say between five and six thousand.

Acting Chairman COMMONS. You have heard the rustling-card system described here at the hearing, have you?

Mr. SULLIVAN. Partially; yes, sir.

Acting Chairman COMMONS. What you have heard of it is practically substantially correct, is it?

Mr. SULLIVAN. I think so.

Acting Chairman COMMONS. There is another matter that was brought up here, the discharge of certain Socialists. Was a referendum held on that subject?

Mr. SULLIVAN. On the discharge; yes, sir.

Acting Chairman COMMONS. What was the record of that? Were you an officer at that time?

Mr. SULLIVAN. I was a member of the executive board of the Western Federation of Miners, and happened to be here at that time that the men were discharged.

Acting Chairman COMMONS. What was the result of the referendum?

Mr. SULLIVAN. Eleven hundred and twenty-six to forty-four hundred and some odd; I don't know just what it was exactly. The majority were in favor of seeing the men discharged; but that wasn't the way it was put to them; it was put on the strike question.

Acting Chairman COMMONS. I am speaking of what was the referendum on—the question of the discharge of the Socialists? How was that question put?

Mr. SULLIVAN. There was no referendum taken on the discharge of the Socialists.

Acting Chairman COMMONS. What was the question?

Mr. SULLIVAN. It was the question of whether we should go on strike in favor of the discharged members.

Commissioner GARRETSON. In favor of their reinstatement?

Mr. SULLIVAN. In favor of their reinstatement.

Acting Chairman COMMONS. In favor of their reinstatement?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Will you state the steps in regard to that? First, did the union officers take up the matter of their discharge with the company?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. What was the reply of the company next?

Mr. SULLIVAN. At first—I might explain that in detail the best I know how.

Acting Chairman COMMONS. Yes; in your own way.

Mr. SULLIVAN. I was a member of the executive board at that time, and I happened to be in here, and there were several hundred men discharged. I think there were something over 300 men, by the best authority I could get. I tried to find out the exact number from the different men discharged, and it was something over 300, they told me; I have their word for it.

Commissioner GARRETSON. In all the mines, or the Anaconda only?

Mr. SULLIVAN. In the Anaconda and North Butte; those are the only two I remember of discharging; I don't know of any others. There was complaint came to the union officers up there, and I was around the hall a good deal at the time the few days I was in here, and I wrote out a call myself for a special meeting of the miners' union to consider these questions, and the meeting was held in the miners' union hall, and at that meeting the hall was just as full as it could get. I expect about 700 men would fill the hall. There was a committee of five appointed to interview the management and ascertain, if possible, what the wholesale discharge was for; and we went to see the company officials, and we were told that they reserved the right to discharge men if they felt like it—felt so disposed. That was the substance of their answer, and we reported back to a special meeting at the Orion Theater, on West Broadway. I expect the place will hold 1,200 people—galleries, balcony, and downstairs. We reported and there was a motion made that the committee be discharged. The motion was defeated; so I asked what they intended to do with the committee if they didn't want to discharge them. There was silence for awhile; nobody seemed to know just exactly what to do, and some fellow presented a set of resolutions, and in those resolutions it stated that the committee be enlarged to 25 and given full power to handle this matter, and the resolutions went through, and they were to report back to another special meeting in a day or two after that meeting—I forget the exact date—and this committee went to see the management and got the same reply.

The management of the different mines stated they were not at that time discharging men because they were Socialists, although they admitted there was a larger number of men than usual discharged on those few days. We didn't get any satisfaction from the company, and we went back to report to the special meeting, and I went down at 6.30—the meeting was to be called at 7 o'clock—and all in front of the Orion Theater was packed, jammed right up against the door, all kinds of disorder, but no disturbance, no fighting, or anything of that kind; they were all crowding to get in. When we got in there the hall was jammed full right up, aisles and everything else, and we could get no order; they were all hollering and whooping. There was not anything accomplished other than some member, I think it was a man by the name of Lowney, made a motion that they take a referendum vote next Thursday, I think it was. I believe this was Tuesday, and the referendum was to be held in two or three days from that date. That motion prevailed that they take a referendum vote, and a vote was taken. This committee—this large committee of 25, I might state, I overlooked that—they recommended to the meeting that if the company did not reinstate those men that the committee and the union requested all members in and around the mines to cease work until they were reinstated—much the same as calling a strike .

That was the question that was submitted to the membership, and the motion was made in the hall to take a referendum vote on it, and the referendum vote was held in the miners' union hall, and the polls were open for two days, and the mines, most of the mines, in the camp shut down to give the men an opportunity to vote—all of the different mines. I don't know of any of the mines that worked. The mines that worked the first day shut down the next day in order to let the men vote.

Acting Chairman COMMONS. What was the total vote at that time?

Mr. SULLIVAN. The total vote?

Acting Chairman COMMONS. You gave the vote at the time as 1,126.

Mr. SULLIVAN. One thousand one hundred and twenty-six in favor of reinstating those men.

Acting Chairman COMMONS. One thousand one hundred and twenty-six in favor of reinstating those men?

Mr. SULLIVAN. Yes, sir; and the other 4,400, I forget just exactly, something over 4,400.

Commissioner GARRETSON. Against?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Against what?

Mr. SULLIVAN. Against reinstating them or against ceasing work to have them reinstated.

Acting Chairman COMMONS. Was the vote on the question of whether they should strike at that time?

Mr. SULLIVAN. That is the way the thing was put on the ballot: Are you in favor of going on strike for the reinstatement of our discharged brothers or discriminated brothers, or something of that kind?

Acting Chairman COMMONS. And the vote was 4,400 to 1,126 against striking on account of these discharged Socialists?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Would you consider that a fair representation of the feeling of the rank and file of the membership as distinguished from this committee of 25?

Mr. SULLIVAN. I don't quite understand.

Acting Chairman COMMONS. Would that vote of 4,400 to 1,126 be a fair judgment of the feeling of the rank and file on that question as distinguished from any influence that the leaders or officers of the union might have?

Mr. SULLIVAN. I think that was a fair—that was their opinion, they voted that way.

Acting Chairman COMMONS. They were not in favor of standing out to have these men reinstated?

Mr. SULLIVAN. That is the way they voted.

Acting Chairman COMMONS. The company is said to have reinstated some of these men. Was that done before or after this vote?

Mr. SULLIVAN. It was done after, I think. I don't think there was anybody reinstated before that vote. And rumor had it on the street there were to be several hundred more discharged.

I believe that the union, or the officers of the union, would not have taken any action only because those rumors were so current on the street that they were going to clean out a certain political party here, right out of the city.

Acting Chairman COMMONS. It would seem on the face of it that four-fifths of the voters would stand by the company in cleaning out the Socialists?

Mr. SULLIVAN. Well, that is the way they voted. They were voting against a strike, apparently.

Acting Chairman COMMONS. What date was this election?

Mr. SULLIVAN. It was in—I should judge it was on the 22d or 23d of March, around there—between that and the latter part of March, 1912.

Acting Chairman COMMONS. What other referendum votes has the union conducted? Did it conduct any on the adoption of these contracts that were adopted here?

Mr. SULLIVAN. Yes, sir; it took a referendum, I think, on both of those contracts. I wasn't here at the last time the contract was made; but I was here at the time the first contract was made.

Acting Chairman COMMONS. In 1907?

Mr. SULLIVAN. In 1907.

Acting Chairman COMMONS. Do you remember what the referendum vote was?

Mr. SULLIVAN. No, sir; I don't remember. I could not say.

Acting Chairman COMMONS. Do you remember which way the vote went?

Mr. SULLIVAN. Well, it took two referendums the first time. I am not quite clear on it now; I have forgotten; but the first referendum was for $4 straight. The miners' union amended their constitution now, if I remember right, making the minimum wage $4, and the first referendum they took was—they adopted the amendment to the constitution making the minimum wage $4, then they had some dickering with the company through committees, the slid-

ing scale was proposed, and they took another referendum on the sliding scale and that was adopted. They amended their constitution again, put the provisions of the contract right into the constitution, and they voted on that and they adopted it.

Acting Chairman COMMONS. And that sliding scale was adopted?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. What officer of the union has a record of those votes?

Mr. SULLIVAN. Well, I guess it is pretty hard to get a record now; they were destroyed.

Acting Chairman COMMONS. Then, from your recollection, what would you say was the majority, or was it an overwhelming vote?

Mr. SULLIVAN. Well, I think it was decidedly in favor of it.

Acting Chairman COMMONS. You say it was strongly or decidedly in favor of it?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. And the next one, the second contract in 1912, you have no recollection of it?

Mr. SULLIVAN. In 1912, I wasn't here at the time; but I think it was something over 3,000 for the contract. I was given the figures; but I forgot what they were.

Acting Chairman COMMONS. Now, what other referendums have they had? There have been several matters that have come up here with reference to the action of the union. What I want to get at is what is the feeling of the rank and file as distinguished from the small number of people that are able to get into that hall. There are only 600 out of 5,000 that can get into the hall. When it goes to a referendum, I take it, then, they have an expression of the rank and file that can not get into the hall. What other votes have they had?

Mr. SULLIVAN. I don't know exactly. I don't remember any others; there may be several others.

Acting Chairman COMMONS. Did they have more than one vote on any of the other questions? They voted twice on the contract, you say?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. And reversed themselves the second vote, was that true?

Mr. SULLIVAN. On which contract?

Acting Chairman COMMONS. That first contract, they changed—the second vote reversed the first vote?

Mr. SULLIVAN. Yes, sir; they did.

Acting Chairman COMMONS. They took the attitude of the company or they took the proposition which the company offered, did they?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. And which was agreed upon by the committee?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Was that true of the rustling card system; did they have second vote on that?

Mr. SULLIVAN. Not a second referendum vote. Not to my knowledge; I can not remember that they did.

Acting Chairman COMMONS. If the majority against it was 250, it would look as though they would have instructed the executive committee to take some summary action on the question if the 250 majority were against it?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Why did not that happen?

Mr. SULLIVAN. I don't know why they didn't do it. It was the action of the membership, and they carried it by a referendum vote, and it should have been the duty of the officers of the union at that time to carry out the instructions of the majority.

Acting Chairman COMMONS. Were you here at that time?

Mr. SULLIVAN. Yes, sir; I was here at that time.

Acting Chairman COMMONS. You do not remember of a second referendum on the subject?

Mr. SULLIVAN. No, sir; I don't remember of a second referendum on the subject.

Acting Chairman COMMONS. You were elected in 1909 or 1910—the fall of 1910. What were the issues which you stood for as a candidate for president?

Mr. SULLIVAN. I don't know as there was any issue at that time. I don't think there was any issue, simply two opposing parties at that time.

Acting Chairman COMMONS. On what ground did you make the campaign; was it merely personal grounds?

Mr. SULLIVAN. No, sir; not that I know of. It was this man who testified yesterday, Mr. Murphy, that opposed me the first time I ran for president of the miners' union, and I was elected at that time. I had no personal feeling against Mr. Murphy other than I had the same right to contest for the office that he did.

Acting Chairman COMMONS. Did you oppose the policies of the union as conducted then?

Mr. SULLIVAN. Yes, sir; we opposed the policies of the union to a certain extent. Most of the fellows, I guess, that voted for me were not in favor of the policies of the union.

Acting Chairman COMMONS. For example, what policies?

Mr. SULLIVAN. Well, take, for instance, some of the policies that were carried out later in allowing the rustling card system to be put in vogue in a place like this, where there was no occasion for it. That we should not stand idly by and allow a thing like that to go through and didn't even consult the membership.

Acting Chairman COMMONS. Did you make that an issue?

Mr. SULLIVAN. No, sir; that was before the rustling card system was put in vogue.

Acting Chairman COMMONS. The rustling card system was put in later?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. What were the other issues at that time?

Mr. SULLIVAN. The policies, you mean?

Acting Chairman COMMONS. When were the Socialists discharged?

Mr. SULLIVAN. The Socialists were discharged in March, 1912.

Acting Chairman COMMONS. After your time?

Mr. SULLIVAN. Yes, sir; that was after I was elected president; that was while I was a member of the executive board. I don't think there was any clear-cut issue at the time I was elected president. It was simply a feeling that those fellows were company men and that they didn't really represent the membership.

Acting Chairman COMMONS. In what sense was there a feeling that they were company men; they had made this contract?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Which had been voted upon by the miners?

Mr. SULLIVAN. Not those particular men, but it was their followers.

Acting Chairman COMMONS. They had made this contract?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. And the membership had supported it apparently?

Mr. SULLIVAN. Yes, sir.

Acting Chairman COMMONS. Then, that was not one of the issues?

Mr. SULLIVAN. No, sir; and prior to this time, I might say back along several years, the company were in the habit of giving leases to the officers of the miners' union.

Acting Chairman COMMONS. What do you mean by that?

Mr. SULLIVAN. Well, a lease—some people call it tribute. They would give them a little ledge of first-class ore in one of the mines to go in and take out—first-class ore or pretty good ore. They ship it to the smelter and get their money for it.

Acting Chairman COMMONS. You mean they would allow them to go in, not working on a wage scale at all?

Mr. SULLIVAN. Yes; a lease is something just the same as a contract you take from somebody. You go in and make what you can. Say, for instance, I lease a little property up here, and I would go down and everything I would get out of there was mine, except a certain commission I gave to the man that I leased the property from—a royalty.

Acting Chairman COMMONS. Was there very much of that?

Mr. SULLIVAN. Why, yes, sir; there was a whole lot of it.

The aldermen of the city got leases, the officers of the union got leases all around down at Green Mountain mine, and at Wild Bill, and different places around the officers had leases.

Acting Chairman COMMONS. During what period was the leasing?

Mr. SULLIVAN. I could not give the dates, but it was when Mr. Scallon was manager of the Amalgamated mines here.

Acting Chairman COMMONS. It was prior to the time that you were elected?

Mr. SULLIVAN. It was before my time.

Commissioner LENNON. That must be 10 years ago or more?

Mr. SULLIVAN. Yes, sir; I think it was.

Commissioner LENNON. Because he has not been manager for 10 years, I am sure. How long was it, Mr. Kelley, since Mr. Scallon was manager?

Mr. KELLEY. It was 11 years last February.

Acting Chairman COMMONS. Did that lease system continue after Mr. Scallon?

Mr. SULLIVAN. I don't think so. I don't think it did.

Acting Chairman COMMONS. Then it had not been in existence from 1905 down until the time that you were elected?

Mr. SULLIVAN. No, sir; I don't think so.

Acting Chairman COMMONS. That could not have been an issue in your election?

Mr. SULLIVAN. No, sir; the leasing proposition wasn't an issue, but those same fellows that were instrumental and very active around the miners' union at the time of the leasing were still actively supporting the men that were opposed to the ticket I was running on.

Acting Chairman COMMONS. You think that that thing that had been seven years ago—seven years previous—do you think that had considerable to do with the feeling in electing you as opposed to them?

Mr. SULLIVAN. Well, I expect it had something to do on account of those fellows.

Acting Chairman COMMONS. Then were there any other issues?

Mr. SULLIVAN. Any other issues?

Acting Chairman COMMONS. Yes.

Mr. SULLIVAN. I don't know of any other issues. Those fellows that were on the other side at that time seemed to do the bidding of the company on different occasions. Say, for instance, the time the clerks worked for early closing here. They wanted to close at 6 o'clock, and most of the stores did close here at 6 o'clock, with the exception of the Hennessy Co., and they wouldn't close at 6 o'clock, and the clerks' union brought their grievances up to the miners' union, to get the indorsement of the miners' union on the stand they had taken, the early closing stand.

Acting Chairman COMMONS. Mr. Garretson, any questions?

Mr. SULLIVAN. The miners' union at that time was pretty evenly divided on the matter, and the fact of the matter was that after the thing was thrashed out they decided against the clerks, against the stand that the clerks' union had taken, and stood with the company store—the Hennessy store.

Commissioner GARRETSON. These leases—in giving of leases by companies like the mining companies, did they give them to many individuals?

Mr. SULLIVAN. No, sir; not to many; they gave them to those men that they thought were influential in the organization.

Commissioner GARRETSON. Are they given to anybody—I mean according to common report—except for a purpose?

Mr. SULLIVAN. Oh, I think they have a purpose; yes, sir.

Commissioner GARRETSON. Were they always profitable, these leases?

Mr. SULLIVAN. I think the most of them were; yes, sir; I am positive they were.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Mr. Lennon, any questions?

Commissioner LENNON. Had the Amalgamated ever been connected with the company store here?

Mr. SULLIVAN. The Amalgamated?

Commissioner LENNON. Yes, sir.

Mr. SULLIVAN. That is something I could not tell you.

Commissioner LENNON. Was there a time when the people of Butte considered the Hennessy store a company store?

Mr. SULLIVAN. Yes, sir; there was.

Commissioner LENNON. That was before the Amalgamated?

Mr. SULLIVAN. That was before the Amalgamated; yes, sir.

Commissioner LENNON. Before the Amalgamated Co. was in existence here?

Mr. SULLIVAN. Yes, sir.

Commissioner LENNON. Well, was it in reality a company store?

Mr. SULLIVAN. I don't know; I could not say; but I always thought it was, and I thought so for a long time after the Amalgamated took things over. I thought it was a company store, still I don't know whether it was or not.

Commissioner GARRETSON. What year did this question of early closing in the Hennessy store come up?

Mr. SULLIVAN. That is a long way back; I could not tell you exactly what year.

Commissioner GARRETSON. About 1899?

Mr. SULLIVAN. It probably was 1899 or 1900; somewhere there.

Commissioner O'CONNELL. Is this leasing system still in vogue?

Mr. SULLIVAN. No, sir; I don't know of any of it going on now—that is, the company giving leases.

Commissioner O'CONNELL. How long ago was that discontinued?

Mr. SULLIVAN. It was probably shortly after Mr. Scallon left here.

Commissioner GARRETSON. Do you know whether such leases as that were made a matter of record?

Mr. SULLIVAN. On what book?

Commissioner GARRETSON. Are they recorded in any public place?

Mr. SULLIVAN. I don't think so; no, sir. I don't think they are; I don't know.

Commissioner O'CONNELL. It was some 10 or 11 years ago since the leasing system was in vogue?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. What number of men do you imagine had leases?

Mr. SULLIVAN. Well, I could not tell you exactly.

Commissioner O'CONNELL. Do you know personally of men that had leases?

Mr. SULLIVAN. Yes; oh, yes.

Commissioner O'CONNELL. Were they officers of the organization?

Mr. SULLIVAN. Yes, sir. Ed Long, he was president, or past president, he had a lease; Dan Shay, he was a secretary of the miners' union, he had a lease; Jerry Hanley, secretary, he had a lease.

Commissioner O'CONNELL. Had these leases when they held these offices?

Mr. SULLIVAN. No; I think they had left the offices; got the leases after that.

Commissioner O'CONNELL. Got the leases after they retired from office?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. That wouldn't indicate, then, they were seeking influence with the officers after he had left the office, would it?

Mr. SULLIVAN. No; it would not. A fellow on the outside might think that they had probably done something that they were paid for after they left.

Commissioner O'CONNELL. Paid for work done?

Mr. SULLIVAN. Yes.

Commissioner O'CONNELL. That was purely imaginary?

Mr. SULLIVAN. My imagination, exactly.

Commissioner O'CONNELL. You mentioned three. Are there any others, any large number, say fifty or a hundred?

Mr. SULLIVAN. Oh, I could mention more. I might mention one more—I don't know whether he was—he was at one time president of the miners' union.

Commissioner O'CONNELL. Were there any humble members of the union who had leases?

Mr. SULLIVAN. Not that I know of.

Commissioner O'CONNELL. Who never held office, who just simply held membership; they probably would not come to your attention.

Mr. SULLIVAN. Well, there was two—I can't call their names—I know one fellow, his first name is Archie, but I can't——

Commissioner O'CONNELL. Did you ever have a lease?

Mr. SULLIVAN. No.

Commissioner O'CONNELL. Ever offered one?

Mr. SULLIVAN. No.

Commissioner O'CONNELL. Every seek one?

Mr. SULLIVAN. No.

Commissioner O'CONNELL. Do you know anything about what the profits on these leases were?

Mr. SULLIVAN. No; I haven't any idea what the profit of those leases was.

Commissioner O'CONNELL. Did the man who had a lease—for instance, one of these officers you mentioned—would his mode of living and his walk in life, his dress, or anything in his make-up or appearance indicate that he was living more profitably than he had before?

Mr. SULLIVAN. Well, I expect so. A fellow can tell pretty nearly whether a man is broke or has a little in reserve. I should judge that by their appearance, while they didn't put on any extra fashions or anything of that kind, that they were very comfortably fixed.

Commissioner O'CONNELL. No indication that they had grown rich very suddenly, however?

Mr. SULLIVAN. This Shay fellow, he bought a ranch down in Bitter Root; he is on it still; he is a judge, justice of the peace, here at the present time.

Commissioner O'CONNELL. You are holding a city position now, as I understand?

Mr. SULLIVAN. Yes.

Commissioner O'CONNELL. What is the salary of the mayor of Butte?

Mr. SULLIVAN. The salary?

Commissioner O'CONNELL. Yes.

Mr. SULLIVAN. Four thousand dollars a year.

Commissioner O'CONNELL. What salary to the position you are now occupying?

Mr. SULLIVAN. Eighteen hundred dollars a year.

Commissioner O'CONNELL. You are appointed by the mayor?

Mr. SULLIVAN. Appointed by the mayor; yes, sir.

Commissioner O'CONNELL. What are the salaries of the other officials; for instance, city attorney?

Mr. SULLIVAN. The city attorney, I don't know exactly what his salary is.

Commissioner O'CONNELL. What is the salary of the chief of the fire department, or whoever is head of that department, or whatever you call him—the chief of police?

Mr. SULLIVAN. I think his salary is $200 a month; I ain't positive about that.

Commissioner O'CONNELL. What is the salary of the chief of police?

Mr. SULLIVAN. I couldn't say what that is.

Commissioner O'CONNELL. What department are you in charge of?

Mr. SULLIVAN. Street department.

Commissioner O'CONNELL. You are the head of the street department?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. What comes under your department?

Mr. SULLIVAN. The work?

Commissioner O'CONNELL. All the street work?

Mr. SULLIVAN. You mean what work I have charge of here in the city?

Commissioner O'CONNELL. Yes.

Mr. SULLIVAN. Street work; that is, cleaning the streets and grading the streets and keeping the crosswalks in, cleaning the gutters, building water boxes, and so forth, and looking after removal of all garbage and ashes.

Commissioner O'CONNELL. What class of skill have you employed?

Mr. SULLIVAN. Common labor.

Commissioner O'CONNELL. All common labor?

Mr. SULLIVAN. Common labor and teamsters.

Commissioner O'CONNELL. What is the salary of the labor?

Mr. SULLIVAN. Four dollars a day for eight hours.

Commissioner O'CONNELL. Teamsters?

Mr. SULLIVAN. Four dollars a day for eight hours.

Commissioner O'CONNELL. All labor coming under your department is $4 a day for eight hours?

Mr. SULLIVAN. With the exception of the men on steam rollers, and firemen that watch the steam rollers at night, the horseshoers and the blacksmiths; they get a larger scale than $4.

Commissioner O'CONNELL. How long have you held this position?

Mr. SULLIVAN. Since this last July, the 1st of last July, a year ago—that is, the 1st of last July.

Commissioner O'CONNELL. They are not under civil service, are they?

Mr. SULLIVAN. No.

Commissioner O'CONNELL. Is the same force that was employed when you took office still employed?

Mr. SULLIVAN. Not all of them, no; but I guess the majority of them are still there.

Commissioner O'CONNELL. How are they selected; how are the workmen selected in your department?

Mr. SULLIVAN. Mostly efficiency. Of course, I know a large number of men here, and when I have an opportunity and I know a fellow is a good workman, have known him for a number of years, I give him a chance to go to work.

Commissioner O'CONNELL. Do you know the political affiliations of the employees in your department?

Mr. SULLIVAN. The political affiliations, well, I do not. There are some Democrats, some of them Republicans, and the majority of them are Socialists.

Commissioner O'CONNELL. It is not a necessary qualification for employment for them to belong to any one particular party, is it?

Mr. SULLIVAN. No, sir. I have never asked a man what his political affiliations were.

Commissioner O'CONNELL. Would you know without asking him?

Mr. SULLIVAN. No; I have no way of knowing.

Commissioner O'CONNELL. If a man was a prominent Socialist in this city, would you know it?

Mr. SULLIVAN. Yes, sir; if he took a prominent part, an active part, in the Socialist movement here, I would know it, I think.

Commissioner O'CONNELL. Then, if he made application for employment, you would have a pretty fair idea?

Mr. SULLIVAN. I would have an idea he was a Socialist.

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. That is all, Mr. Sullivan. Thank you.

TESTIMONY OF MR. DAN SHOVLIN.

Acting Chairman COMMONS. Your name and address?

Mr. SHOVLIN. Dan Shovlin, 80 East Park Street.

Acting Chairman COMMONS. What is your occupation?

Mr. SHOVLIN. Miner.

Acting Chairman COMMONS. Are you working?

Mr. SHOVLIN. Yes, sir.

Acting Chairman COMMONS. For what company?

Mr. SHOVLIN. The Davis-Daly.

Acting Chairman COMMONS. Where is that?

Mr. SHOVLIN. It is a mine down on Park Street.

Acting Chairman COMMONS. How long have you been in the work?

Mr. SHOVLIN. Working for that company?

Acting Chairman COMMONS. No; any company in the mining district.

Mr. SHOVLIN. Been mining about 14 years.

Acting Chairman COMMONS. What companies have you worked for?

Mr. SHOVLIN. I worked for the A. C. M. Co., and for the Clark interests when they were here, and for the Davis-Daly people.

Acting Chairman COMMONS. You were active in organizing the new union, were you not?

Mr. SHOVLIN. Yes, sir.

Acting Chairman COMMONS. At what time was that organized?

Mr. SHOVLIN. It was organized on the 23d of June.

Acting Chairman COMMONS. What were the causes leading up to that organization? You heard the statement that Mr. Sullivan made?

Mr. SHOVLIN. Some of them; yes, sir.

Acting Chairman COMMONS. Which of those were prominent in leading to the organization of the new union?

Mr. SHOVLIN. Dissatisfaction with the old organization.

Acting Chairman COMMONS. Well, on what grounds, what particular grounds were prominent?

Mr. SHOVLIN. I believe one of the most important factors in causing the organization of the new union was the refusal of the officers of Butte Miners' Union to accept a motion for a referendum vote on the assessment; that is, the extra assessment that was levied for the strikers in Michigan.

Acting Chairman COMMONS. What time was that?

Mr. SHOVLIN. I believe it was in September that that assessment was levied. First there was an assessment that came from Denver of $2. I believe that came in September. That is authorized by the executive board; that is, their power to levy that assessment. It was never questioned that they had that right. At a regular meeting also in September, I believe, the——

Acting Chairman COMMONS. Well, now, what meeting, regular meeting of what?

Mr. SHOVLIN. Well, now, a regular meeting of the miners' union. I am speaking of the miners' union now.

Acting Chairman COMMONS. Was that first one the local miners' union or the Denver headquarters that ordered the assessment?

Mr. SHOVLIN. The first assessment?

Acting Chairman COMMONS. Yes.

Mr. SHOVLIN. The executive board. There is no executive board in the local.

Acting Chairman COMMONS. Now, the second one was—just continue.

Mr. SHOVLIN. It was at a regular meeting of the miners. I don't know how many was there. I happened to be night shift at the time. And they voted at that meeting to put on an amount, enough of an amount to make it shift for the month; that is, a shift wages for the month—a day's wage for the month. That would be an assessment that was put on, and we are entitled to a referendum vote on all assesments that are levied in the local. This was put on at a regular meeting.

Acting Chairman COMMONS. In September?

Mr. SHOVLIN. I believe it was in September.

Acting Chairman COMMONS. Well.

Mr. SHOVLIN. And in October—I believe it was the latter part of September—and then the first part of October I happened to go on the day shift again, and I made a motion from the floor of the miners' union hall at another regular meeting that the members be given a referendum vote on that assessment. The president in the chair at the time refused to entertain the motion. I appealed from his decision, as any member has the right. He refused to put the appeal, showing that he did not understand parliamentary tactics, or he just wouldn't put the motion because Shovlin made it, or some reason or other. And then after, I got the floor then and told him what I thought about that for taking such arbitrary action, and finally some fellow in the audience, I believe it was—I ain't sure who it was now—he says: "Oh, give it to them and show them how bad we can beat them." And on the appeal the president put the motion on the appeal, and I lost on the appeal.

Acting Chairman COMMONS. Does the referendum vote in the local require action by a meeting of this kind?

Mr. SHOVLIN. It is not necessary. That was the means we took to force them.

Acting Chairman COMMONS. What is the rule of the union about initiating the referendum vote? Can you do it by petition?

Mr. SHOVLIN. Yes, sir.

Acting Chairman COMMONS. A certain number of names?

Mr. SHOVLIN. Twenty names are sufficient.

Acting Chairman COMMONS. Why didn't you follow that procedure, then, and get 20 members to sign your petition for referendum?

Mr. SHOVLIN. That wasn't necessary, wasn't absolutely necessary. It could have been brought up at a regular meeting and done that, but it wasn't absolutely necessary to petition.

Acting Chairman COMMONS. When they voted you down on that proposition why didn't you try the other method?

Mr. SHOVLIN. Just about as useless to attempt the other method as it was to try to get the floor.

Acting Chairman COMMONS. Why was it?

Mr. SHOVLIN. I thought so.

Acting Chairman COMMONS. Couldn't you have gotten 20 names?

Mr. SHOVLIN. I could have gotten 20 names easily.

Acting Chairman COMMONS. Why didn't you go and get them, then?

Mr. SHOVLIN. Because I didn't think it was worth while after being turned down that way. It would have been a waste of time.

Acting Chairman COMMONS. Why did you think it was not worth while and would be a waste of time? Why did you think it was a waste of time?

Mr. SHOVLIN. I thought it would be a waste of time; I figured it would be turned down just the same as the other was; it might have been, too.

Acting Chairman COMMONS. In what way? We have had a description of the way in which the referendum vote is conducted—12 hours, or two days are given for a referendum vote. Would that be a useless procedure?

Mr. SHOVLIN. If you get a referendum vote it would not be a useless procedure, but you would have to go before the meeting, a regular meeting.

Acting Chairman COMMONS. When you initiate by petition, does it have to come before a regular meeting?

Mr. SHOVLIN. Yes. The initiative for petition has to be submitted to the body, and they take action on it.

Commissioner GARRETSON. The petition is directed to the lodge itself, is it not?

Mr. SHOVLIN. It is directed to the officers calling for a meeting.

Commissioner GARRETSON. Yes.

Mr. SHOVLIN. That is subject to discussion to refer that.

Commissioner GARRETSON. And the body has to pass on it, the lodge itself has to pass on it before it is referred to the membership for a referendum vote?

Mr. SHOVLIN. Yes.

Commissioner GARRETSON. Referred to the lodge itself?

Mr. SHOVLIN. Yes; that is it.

Commissioner GARRETSON. And not by the originators of the petition?

Mr. SHOVLIN. No; it is not referred by them at all.

Acting Chairman COMMONS. As I understand it, you have two methods, one by the meeting and one by petition?

Mr. SHOVLIN. No.

Acting Chairman COMMONS. Then the petition has to go before the meeting?

Mr. SHOVLIN. Yes; it does. The petition that is gotten up that way is simply a called meeting making that a special order of business.

Acting Chairman COMMONS. Now, what other causes of dissatisfaction?

Mr. SHOVLIN. Then another cause was later on—was the action of the president in having one of the members of the organization working at the High Ore mine discharged without consulting the local; that is, without consulting the members at a regular meeting.

Acting Chairman COMMONS. I didn't get that point.

Mr. SHOVLIN. I say it was the action of the president of the miners' union in having a member of the miners' union discharged from the High Ore mine.

Commissioner O'CONNELL. That means up high?

Mr. SHOVLIN. That means the name of the mine.

Commissioner O'CONNELL. Just continue. Why did he ask for his discharge?

Mr. SHOVLIN. Because they quarreled and they had at the mine—this fellow struck him a couple of times and knocked him down a couple of times, I understand.

Acting Chairman COMMONS. How did he get him discharged—go to the foreman?

Mr. SHOVLIN. No, sir. He went to the foreman first, and the foreman says, asked him if this young fellow—said, "Is he in good standing?" And the young fellow answered, "Yes," and this foreman said, "Well, since you are in good standing, that is all. You can go to work."

Commissioner O'CONNELL. Was that one of the requisites—that the president allow everybody to lick him?

Mr. SHOVLIN. No; that it not a requisite at all, because this fellow happened to be a big, husky fellow, and the fellow that licked him was a little bit of fellow.

Commissioner O'CONNELL. Ashamed of the fellow?

Mr. SHOVLIN. So it was no requisite he would have for that.

Acting Chairman COMMONS. How did he succeed in having him fired?

Mr. SHOVLIN. He went—afterwards he came down town; the foreman refused; and the president came down town, I presume, and went to the office; he seen one of the managers some place, had this fellow discharged; that is, word was sent to the mine for this fellow to come and see Mr. Gillie. I believe he did that there. That was another of the reasons, I believe.

Acting Chairman COMMONS. When did that occur?

Mr. SHOVLIN. Some time in March or April.

Acting Chairman COMMONS. Well, any other instances?

Mr. SHOVLIN. Yes; there was another instance. When we thought possibly we could get a square election up there by having voting machines in. An amendment was submitted to that effect, was read at two meetings, and on the night of the third, why, the action was to be taken, and was brought up that night and read, and I made a motion myself that it be adopted as read. Another member there made a motion that it be thrown in the waste basket. The vote was taken on it—that is, the usual form of vote—and we were not satisfied with that, because the president ruled that the motion had carried to throw it in the waste basket, and threw the amendment in the waste basket. A division of the house was called with reference to it, and he refused to give a division of the house, and——

Acting Chairman COMMONS. Was this another initiative petition of 20 members?

Mr. SHOVLIN. No; just made in the usual form; action taken on the third meeting, regular meeting.

Acting Chairman COMMONS. They refused, then, to adopt the Australian system of voting?

Mr. SHOVLIN. The machine system.

Acting Chairman COMMONS. The machine system?

Mr. SHOVLIN. Yes. And they refused, inasmuch as the president ruled that the motion to put it in the waste basket had carried.

Acting Chairman COMMONS. At what date was this action?

Mr. SHOVLIN. I don't know the exact date; that was some time in April also.

Acting Chairman COMMONS. April?

Mr. SHOVLIN. Yes; recently.

Acting Chairman COMMONS. Has the new union adopted the machine method of voting?

Mr. SHOVLIN. Yes, sir; they are making their first election—that is, the first ballot is on the machines.

Acting Chairman COMMONS. That was one of the issues, then, that you wished to have a machine method of voting?

Mr. SHOVLIN. Most assuredly one of the issues.

Acting Chairman COMMONS. Well, why was that an issue?

Mr. SHOVLIN. Why was that an issue?

Acting Chairman COMMONS. Yes.

Mr. SHOVLIN. Well, because under the old method the ones that happened to have the hall packed the tightest that night would get their judges and clerks in there, and when you get the judges and clerks that was the election.

Commissioner LENNON. Did that apply to both sides, all factions or just one? Whichever faction happened to get possession of the hall, did they carry that plan out?

Mr. SHOVLIN. Yes; whichever faction happened to get possession of it, but it always happened——

Commissioner LENNON. Was that a case of the pot calling the kettle black?

Mr. SHOVLIN. Yes; whichever one, but the two fellows that have got control at that time got their bunch in there, because there was some method they had worked of getting the men down early, see, and packed them into the hall. There was some way that they had to get around to the mine; I don't know how it was—I got my own views of how it was. They used to get them in there and fill the hall right full, and then when us fellows who were called radicals and rebels and revolutionists, and all that sort of stuff, got around, we had an awful time to get in the hall.

Acting Chairman COMMONS. Well, then, it was simply due to the fact that you wanted to have a system by which all the membership could vote, was that it? How would machines help unless it was a referendum vote where everybody voted?

Mr. SHOVLIN. Well, the machines, the way they would help, they could not be—you could not pack them. That's one thing, you could not pack a machine, because the machine is opened in the morning and the numbers taken on the counter, and it is closed, and it is closed until all vote in the evening.

Acting Chairman COMMONS. But if only 600 get in there they could vote just the same on a machine as they could by tellers.

Mr. SHOVLIN. You understand me, the machine, this machine to be used at the election is so fixed, the election is held, the regular hours are from 9 o'clock in the morning until 11 at night on the day of the election. It is not in the hall—it is in the hall and the members pass in and out all during the day.

Acting Chairman COMMONS. Oh, they do?

Mr. SHOVLIN. They are not in there for any length of time.

Acting Chairman COMMONS. Did you also have a machine for referendum purposes?

Mr. SHOVLIN. The machine for all purposes of balloting except the election judges and clerks. That would be done at a regular meeting.

Acting Chairman COMMONS. When was this action in regard to the machine? In April, you say?

Mr. SHOVLIN. In April some time; yes.

Acting Chairman COMMONS. Any other instances that you have? What other causes of dissatisfaction?

Mr. SHOVLIN. I don't know of any others particularly.

Acting Chairman COMMONS. Have you any questions, Mr. Garretson?

Commissioner GARRETSON. What is to hinder the individual passing before the machine and punching each candidate a couple of times?

Mr. SHOVLIN. The machine don't allow that. It only allows them to vote one name for each office.

Commissioner GARRETSON. And repeating is not possible with this?

Mr. SHOVLIN. I don't believe it is possible.

Commissioner GARRETSON. What is to hinder a man coming back?

Mr. SHOVLIN. Got a cinch about it.

Commissioner GARRETSON. If the judges of election are as corrupt on each side as is here inferred, what is to hinder the man from marching around in a circle and going through the performance again?

Mr. SHOVLIN. Possible chance of coming back; the machine is not—he can only vote once each time he comes back, and the other way he could vote half a dozen times.

Commissioner GARRETSON. The percentage would be greater under the old plan than under the new?

Mr. SHOVLIN. Yes, sir.

Commissioner GARRETSON. Has there ever been any instance in an election by referendum where there were more ballots cast than members entitled to vote?

Mr. SHOVLIN. I believe at this last election there was.

Commissioner GARRETSON. You stated that the presiding officer violated parliamentary procedure when he refused to entertain a motion and did refuse to entertain an appeal?

Mr. SHOVLIN. Yes, sir; I did.

Commissioner GARRETSON. I was just wondering, after your statement that whichever side got in certain things occurred, whether or not, in your statement to the presiding officer, when you told him what you thought of him, that you used parliamentary language altogether.

Mr. SHOVLIN. I never used anything that was not fit to use here.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. Mr. Shovlin, how long have you been a member of the miners' organization here; I mean the Western Federation?

Mr. SHOVLIN. I don't know just exactly. Frank Conners was in there as secretary when I went in; I can not say exactly?

Commissioner O'CONNELL. Ten or fifteen years?

Mr. SHOVLIN. About 14 years; I wouldn't state that positively.

Commissioner O'CONNELL. That is not necessary to state positively. Have you an idea of what the membership of No. 1 was at that time—it was No. 1, then, wasn't it?

Mr. SHOVLIN. Yes. I did not take an active part at that time, and I couldn't say.

Commissioner O'CONNELL. During your membership what was the largest membership ever had by No. 1 in the city or in the district?

Mr. SHOVLIN. I believe the largest membership was about 8,000. It was at the time Dan Sullivan was president.

Commissioner O'CONNELL. How long ago was that?

Mr. SHOVLIN. I can't tell that exactly.

Commissioner O'CONNELL. Four, five, or eight years?

Mr. SHOVLIN. He stated here a while ago when he was president here.

Commissioner O'CONNELL. Oh, the gentleman that was on before you?

Mr. SHOVLIN. Yes.

Commissioner O'CONNELL. What is the membership of No. 1 now?

Mr. SHOVLIN. I haven't the least idea.

Commissioner O'CONNELL. What is the membership of the organization that you now represent—what do you call it?

Mr. SHOVLIN. The mine workers.

Commissioner O'CONNELL. The mine workers?

Mr. SHOVLIN. It has fifty-four hundred and something, I believe.

Commissioner O'CONNELL. Fifty-four hundred?

Mr. SHOVLIN. Fifty-three or fifty-four hundred.

Commissioner O'CONNELL. In that organization there is what is known and pronounced as I. W. W. men?

Mr. SHOVLIN. Yes.

Commissioner O'CONNELL. What number of that class of men hold membership in your organization?

Mr. SHOVLIN. A very small percentage.

Commissioner O'CONNELL: Five or 10 per cent?
Mr. SHOVLIN. I couldn't state.
Commissioner O'CONNELL. Approximately?
Mr. SHOVLIN. I couldn't state, but a very small number, though.
Commissioner O'CONNELL. Do they hold affiliations in any way with the national organization of the I. W. W.? Have they a branch of any of them here?
Mr. SHOVLIN. The I. W. W.? They have a propaganda like, here. That is all I know.
Commissioner O'CONNELL. That does not hold a charter from the general organization of the I. W. W. at headquarters of Chicago or Detroit?
Mr. SHOVLIN. I haven't any idea.
Commissioner O'CONNELL. You know there are two organizations of the I. W. W., one with headquarters at Chicago, and one with headquarters in Detroit?
Mr. SHOVLIN. Yes.
Commissioner O'CONNELL. A split between these two organizations, one having for its purpose the evasion of all contractual relations with employers, as stated before our commission, the practice of sabotage, if necessary; the other just reverse. You do not know which of the parties the I. W. W. here are?
Mr. SHOVLIN. Are affiliated with, no.
Commissioner O'CONNELL. Do you know whether they practice sabotage here in any way?
Mr. SHOVLIN. I don't know.
Commissioner O'CONNELL. Have there been any rumors that they have?
Mr. SHOVLIN. I never heard of anything.
Commissioner O'CONNELL. While this is not a matter for our commission to look into personally, what would be necessary to bring the miners of Butte all back into one organization?
Mr. SHOVLIN. For them to join the mine workers.
Commissioner O'CONNELL. That is the coal mine workers?
Mr. SHOVLIN. No; the Butte mine workers.
Commissioner O'CONNELL. Oh, your organization?
Mr. SHOVLIN. Yes, sir.
Commissioner O'CONNELL. That would be the cure of the disease, if there was any disease?
Mr. SHOVLIN. Yes, sir; I believe so.
Commissioner O'CONNELL. Then you have, I take it, among yourselves the policy that your organization is correct and the other is wrong? Of course if yours is the correct policy, the proper thing would be for them to affiliate themselves with you?
Mr. SHOVLIN. We believe ourselves to be correct, to be the correct policy, and if it is not correct in the minds of the others they have the privilege of correcting where they see it is wrong.
Commissioner LENNON. Have you a constitution of the new union?
Mr. SHOVLIN. Yes, sir.
Commissioner LENNON. In print?
Mr. SHOVLIN. Yes, sir.
Commissioner LENNON. Will you furnish a copy?
Mr. SHOVLIN. We will furnish you with one, yes.
("The Constitution and By-Laws of the Butte Mine Workers' Union," Butte, Mont., adopted July 19, 1914, was submitted in printed form.)
Commissioner LENNON. That is all.
Acting Chairman COMMONS. Did I understand you to say that personally you belonged to the I. W. W. or not?
Mr. SHOVLIN. No, sir; you didn't understand me to say that.
Acting Chairman COMMONS. You say you do not?
Mr. SHOVLIN. No, sir; I do not belong.
Acting Chairman COMMONS. And never have?
Mr. SHOVLIN. No, sir.
Acting Chairman COMMONS. Your action in this matter is solely based on local conditions?
Mr. SHOVLIN. Yes, sir.
Acting Chairman COMMONS. And not on any general principles of philosophy?
Mr. SHOVLIN. Only on the philosophy of industrial unionism, not that as preached by the I. W. W. I am an industrial unionist, but not an I. W. W.
Acting Chairman COMMONS. Are you a Socialist?
Mr. SHOVLIN. No, sir. That is, I don't belong to the Socialist Party.
Acting Chairman COMMONS. That is all. Mr. O'Brien.

TESTIMONY OF MR. W. L. O'BRIEN.

Acting Chairman COMMONS. Give your name and address, please.

Mr. O'BRIEN. 9 East Granite, Butte, Mont.

Acting Chairman COMMONS. Are you a miner?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Are you employed now?

Mr. O'BRIEN. Not now.

Acting Chairman COMMONS. How long since you have been employed, Mr. O'Brien?

Mr. O'BRIEN. Six months.

Acting Chairman COMMONS. Are you a member of the new organization?

Mr. O'BRIEN. I am.

Acting Chairman COMMONS. You have heard what Mr. Shovlin has just now said regarding questions asked. Have you anything to add to what he has said as representing the causes of dissatisfaction and the results which led up to the new organization?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. In the first place, do you affirm all the things that he did say?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Now, what points have you to add as an additional cause of disturbance?

Mr. O'BRIEN. Company control.

Acting Chairman COMMONS. And what is your reason for affirming company control?

Mr. O'BRIEN. Inasmuch as whenever any vital subject came up, the company sent the men home from work, and paid them.

Acting Chairman COMMONS. Sent them home from work?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. And paid them?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. What is your evidence of that?

Mr. O'BRIEN. Men have told me, that worked in the mine, that the boss came to them and told them to go down and vote the amendment down, told them to go down and vote against so and so, as he was a radical or Socialist; and further, whenever anything came up it was easily discerned that there was company control, when there was men attending to the hall that were never seen there before excepting when something of that kind came up.

Acting Chairman COMMONS. Then I take it your evidence is based upon what men have told you as to what the shift bosses have done?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. That the foremen or shift bosses have told them to do?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. And were they men who had done as the shift boss had directed?

Mr. O'BRIEN. They came home, but they always didn't vote the way the shift boss wanted them. The shift boss he don't always know what is in a man's mind. But invariably they did vote as the shift boss wanted, I don't say.

Acting Chairman COMMONS. You say that the men told you that the shift boss laid them off on company's time?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. To go to these meetings?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Can you give specific instances?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. And names of individuals who have told you that this was the case?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Will you be willing to furnish the commission with the names?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Will you do it now or will you submit that later?

Mr. O'BRIEN. I will submit it later.

Acting Chairman COMMONS. Please submit us such a list. When will you submit that?

Mr. O'BRIEN. This afternoon probably.

(See O'Brien Exhibit No. 1.)

Acting Chairman COMMONS. Is there anything further that you have to add?

Mr. O'BRIEN. I would say, if you are after the things that led up to the revolt in this union, that there are numerous things besides company control. Inasmuch as everything in nature dies, I presume the Western Federation has about outlived its usefulness and we buried it, although rather violently. The contract system has a good deal to do, together with the rustling cards; also corruption of officials, excessive assessments improperly applied, and so on and so forth.

Acting Chairman COMMONS. Do you agree with Mr. Shovlin on those points?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. How long have you been in Butte?

Mr. O'BRIEN. Ten months and seven days.

Acting Chairman COMMONS, What mine have you worked in?

Mr. O'BRIEN. Just one—Elmorlu.

Acting Chairman COMMONS. Where had you worked in the mining business before you came here?

Mr. O'BRIEN. All over the world—Africa, Australia, New Zealand, Tasmania, Canada, Alaska, Mexico, this country, and South America.

Acting Chairman COMMONS. And your birthplace is where?

Mr. O'BRIEN. Ireland, County Cork.

Commissioner O'CONNELL. You come from a pretty good county.

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. Have you been a member of labor organizations in other countries than this country?

Mr. O'BRIEN. Yes.

Acting Chairman COMMONS. What countries?

Mr. O'BRIEN. Australia, Africa, New Zealand, Tasmania.

Acting Chairman COMMONS. Metalliferous mining or coal mining?

Mr. O'BRIEN. Metalliferous.

Acting Chairman COMMONS. Do you have any questions?

Commissioner O'CONNELL. Yes. How long were you a member of the Western Federation of Miners?

Mr. O'BRIEN. Twelve years.

Commissioner O'CONNELL. You have been in Butte, you say, 10 months now?

Mr. O'BRIEN. Yes; and seven days.

Commissioner O'CONNELL. How long since you have been employed in a mine here?

Mr. O'BRIEN. Six months.

Commissioner O'CONNELL. You have been out six months?

Mr. O'BRIEN. Was sick half of it; took pneumonia.

Commissioner O'CONNELL. Then you really worked about four months in the mine here?

Mr. O'BRIEN. Yes.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. Has there been presented to you evidence as to the corruption of the union officials?

Mr. O'BRIEN. Yes.

Commissioner LENNON. From the records or simply from conversation?

Mr. O'BRIEN. Conversations, and both.

Commissioner LENNON. Was the matter ever brought before the union?

Mr. O'BRIEN. Not to my knowledge.

Commissioner LENNON. Why wasn't it? You weren't here probably—you know why it wasn't brought before the union?

Mr. O'BRIEN. Because we could get no redress. You would be apt to be thrown from the window or called a socialist, or an I. W. W., or an anarchist, or any other one of the six.

Commissioner O'CONNELL. It is impossible to throw them through the window just now?

Mr. O'BRIEN. No.

Commissioner LENNON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Any questions? Jacob Oliver.

TESTIMONY OF MR. JACOB OLIVER.

Acting Chairman COMMONS. Will you give your name?

Mr. OLIVER. Jacob Oliver, 215 East Quartz.

Acting Chairman COMMONS. Are you working in the mine, Mr. Oliver?

Mr. OLIVER. Yes, sir. I have not been working in the mines for six weeks. The last mining work I worked was Mountain View.

Acting Chairman COMMONS. That is an Anaconda mine?

Mr. OLIVER. Yes.

Acting Chairman COMMONS. How long have you been in the district?

Mr. OLIVER. In this district? Twenty-nine years and seven months.

Acting Chairman COMMONS. And what mines have you been working in?

Mr. OLIVER. In practically every mine in Silver Bow County of any size.

Acting Chairman COMMONS. Have you had any official position in the miners' union in this time?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. Never have had?

Mr. OLIVER. Never held office in the miners' union in my life.

Acting Chairman COMMONS. Have you had any official position in the city, county, or State?

Mr. OLIVER. Yes; I was deputy inspector of mines in 1890, 1891, and 1892.

Acting Chairman COMMONS. That is 25 years ago?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. Just briefly on that point, have conditions in the mines improved since that time?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. Materially?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. Have you followed that carefully so that you could give this commission accurate information as regards the improvements?

Mr. OLIVER. Well, I believe I am aware of what improvements have taken place.

Commissioner O'CONNELL. We would be glad to hear what improvements have taken place in the mines since you were inspector.

Mr. OLIVER. Twenty-five years ago the man that was on the day shift in the wintertime would hardly see daylight. At that time when he worked on day shift they worked 10 hours; now he works 8. Twenty-five years ago, if a miner left Butte, in the majority of the outside camps you would receive three or four dollars per day, laborers or muckers three dollars. That was the standard wages throughout the State practically, with the exception of Butte, and perhaps Elkhorn was the only other camp that I recall that was paying the wage of three-fifty per day. In Marysville the Drum Lummon mine workers were paid $3 per day; hammer and drill men and timbermen were paid three and a quarter, and mine men were paid three and a half. So, if the old union hadn't done anything else to maintain the high standard of wages that was established by the old Butte Miners' Union in 1878——

Acting Chairman COMMONS. What about the health conditions in the mines, ventilation, and things of that kind?

Mr. OLIVER. I believe at the present time there is more miner's consumption in the Butte district than ever there was before. While I believe the company to some extent has done their best, or at least made efforts to improve sanitary conditions in the mines, yet I think there is a whole lot of improvement that still could be made.

Commissioner O'CONNELL. What are they now, if you have them right in mind?

Mr. OLIVER. For instance, in driving drifts, cross-cuts, opening up new ground, they could introduce a system of air courses. This method was in vogue here in Butte 25 years by one or two of the companies, and that was about all. In the majority of quartz mines, I am sorry to say, ventilation is not considered, or not to any great extent, unless the men happen to get in places where it is impossible for them to do a shift's work. Then, of course, for their own benefit the different companies then go to work perhaps and install pipe lines or fans, drafts, or something of that kind, to make circulation.

Acting Chairman COMMONS. What is this method that you said was in vogue 25 years ago?

Mr. OLIVER. One of the systems was having air courses.

Acting Chairman COMMONS. Describe the air-course system.

Mr. OLIVER. Well, for instance, in driving a drift——

Acting Chairman COMMONS. Yes.

Mr. OLIVER. The cross-cuts over the timbers, or the sets, that is, in drifts, either by the establishment of a pipe, or a box, making an air current so that there will be an inlet and an outlet for air to make circulation.

Acting Chairman COMMONS. Just go right ahead.

Mr. OLIVER. Making a drift, shaft, or whatever it may be, and then comes in as a rule, it comes in the drift and goes back over the timbers.

Acting Chairman COMMONS. Is it a pipe?

Mr. OLIVER. It all depends; sometimes there is a pipe and sometimes it is a box.

Acting Chairman COMMONS. It is a forced draft; it is forced up to the base of the cut?

Mr. OLIVER. No; it is done naturally; there is no force connected with it, just simply making an air current.

Acting Chairman COMMONS. If it is a drift that is being driven into a new opening, there would be no air courses there except what would be driven?

Mr. OLIVER. Well, you have got to make one; you make one, you see, by sealing up all the crevices and make it air-tight over your drift or your cross-cut, and that will make a circulation then.

Acting Chairman COMMONS. Is that required by the State law?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. Was it ever required?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. How did it happen to be in vogue years ago?

Mr. OLIVER. I believe it was introduced by Ben. Tibby.

Acting Chairman COMMONS. How does it happen to have been dropped since that time?

Mr. OLIVER. Well, I don't know. There was an old saying around here that all Ben. Tibby thought about was ventilation. We used to have a josh on Ben.

Acting Chairman COMMONS. When you were inspector, did you have power to require an air course under such circumstances?

Mr. OLIVER. When I was deputy mine inspector the deputy inspector had practically no power at all to enforce anything.

Acting Chairman COMMONS. Has the inspector now authority to order that kind of change?

Mr. OLIVER. I do not believe he has but very little power.

Acting Chairman COMMONS. Not very much power?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. Have you been connected with the union so that you could give us the causes that led up to this disruption? You have heard the testimony on that point?

Mr. OLIVER. Yes; I have.

Acting Chairman COMMONS. Are there any of those points you care to comment upon?

Mr. OLIVER. Well, I believe the main causes that led up to the eruption and explosion and revolt, whatever you call it, was dissatisfaction with the old officials of the union, mainly.

Commissioner GARRETSON. The local or general officials?

Mr. OLIVER. Local and general, both.

Acting Chairman COMMONS. Specify some of the dissatisfaction.

Mr. OLIVER. I believe the main cause was the little details more than anything else. For instance, I might say lack of courtesy, mainly, and perhaps in some of the officials' incompetency. I believe if the business of the union was conducted on a business principle that this eruption would not have happened. I believe a majority of the miners in Butte are union men and believe in union principles. In fact, the real contention is that, and the real fight is, or what the men consider, really a better union.

Acting Chairman COMMONS. What, for example? What other feature of the activities of employees or procedure of the older officials, former officials, besides lack of courtesy, have you in mind? Is that the only thing you think of? That certainly would not be adequate to cause a revolution.

Mr. OLIVER. Well, for instance—well, there is lots of little things working up to it until, of course, it comes to a revolt. I believe the revolt came through, we might say, the refusal of the president to grant Mr. Shovlin, I

believe was the man to make the motion in the miners' union for a rising vote whether or not on the adoption of the amendment to the constitution——

Acting Chairman COMMONS. Regarding the machine?

Mr. OLIVER. Regarding the machine; yes, sir.

Acting Chairman COMMONS. You think that was an important cause?

Mr. OLIVER. I do; yes, sir.

Acting Chairman COMMONS. What other causes?

Mr. OLIVER. Well, then, there was another one, I think; another incident that came under my notice was the day that the president of the union had trouble at the High Ore mine.

Acting Chairman COMMONS. This instance that was referred to?

Mr. OLIVER. Yes.

Acting Chairman COMMONS. And his statement was correct on that, was it not?

Mr. OLIVER. I believe in its essence it was correct.

Acting Chairman COMMONS. What other, then?

Mr. OLIVER. Well, I believe that is about all. I think those are all.

Acting Chairman COMMONS. Are you connected with the old union or the new?

Mr. OLIVER. I am still a member of the old union.

Acting Chairman COMMONS. Regular; paying up?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. At the present time?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. Have you any questions?

Commissioner GARRETSON. Yes. I gathered from your general statement there that this one last act of refusal to entertain a motion, a proper parliamentary motion——

Mr. OLIVER. Yes.

Commissioner GARRETSON. I take that it was under either your parliamentary procedure or new law that it was the straw that broke the camel's back?

Mr. OLIVER. That is the way it looks to me.

Commissioner GARRETSON. It was the culmination of a great series of—well, mosquito bites?

Mr. OLIVER. Well, yes; that is it.

Commissioner GARRETSON. In your experience in dealing with men, is it not that discontent is usually brought to a head by little things instead of big things?

Mr. OLIVER. That is my idea of things.

Commissioner GARRETSON. You spoke that it used to be a josh that—what is that manager's name?

Mr. OLIVER. Ben Tibby.

Commissioner GARRETSON. Worked for ventilation, is that the phrase?

Mr. OLIVER. Yes, sir.

Commissioner GARRETSON. And that was contrasted among the men, that others worked for dividends?

Mr. OLIVER. Well, I presume that was the idea.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. O'Connell?

Commissioner O'CONNELL. No.

Acting Chairman COMMONS. Mr. Lennon?

Commissioner LENNON. You spoke regarding the increase of miner's consumption now from 25 years ago. What class of people worked in the mines 25 years ago? Who were they?

Mr. OLIVER. They were English, Irish, and Americans.

Commissioner LENNON. Are the people now working in the mines somewhat more anemic or less capable of resisting the inroads of consumption than was the truth with races that were here 25 years ago?

Mr. OLIVER. I don't think so.

Commissioner LENNON. You think the people who are here now, mixed races, are just as capable of resisting consumption as were the races you speak of?

Mr. OLIVER. Yes, sir.

Commissioner LENNON. You do?

Mr. OLIVER. Yes, sir.

Commissioner LENNON. What had the union to do with the introduction of the eight-hour workday in the mines?

Mr. OLIVER. Well, the first agitation for the eight-hour day, that I remember, was in 1888 and 1889. In 1891 an eight-hour measure was introduced in the legislature and was defeated, I think, by a vote of 30 to 31. It seemed that the Democrats and Republicans got together and made it as near a tie vote as they could so that neither one of the parties could be blamed, or at least that is the way it was stated at the time. At that time, even, some of the members and some of the officers of the union signed a petition opposing the eight-hour law—opposing the eight-hour law that was introduced at that time.

Commissioner LENNON. Some of the miners opposed it?

Mr. OLIVER. There was a considerable number of miners opposed to it.

Commissioner LENNON. Well, did the union ever take any action against the introduction of the eight-hour day?

Mr. OLIVER. No, sir.

Commissioner LENNON. But were they active in promoting its enactment?

Mr. OLIVER. I believe the majority of the union were very active in promoting it.

Commissioner LENNON. And that has been maintained ever since?

Mr. OLIVER. No; the eight-hour law was passed in 1901.

Commissioner LENNON. But you have had no cessation of the eight-hour day?

Mr. OLIVER. Since it became a law?

Commissioner LENNON. Since it was introduced.

Mr. OLIVER. No, sir.

Commissioner LENNON. You have been working in the mines a long time. What degree of heat can men work under in the mines without material injury?

Mr. OLIVER. Well, I should say that a man could work in the mines—it is pretty hard to work in the mines at any degree of heat without material injury, because any place—in time if a man works in a place that the air is contaminated, it naturally injures his health. But, of course, I believe a man could—the average man could work where the heat would be, say, 65, or possibly 70.

Commissioner LENNON. Well, are there any places in the mines where the depth is considerable that the temperature does not exceed 65?

Mr. OLIVER. Oh, yes, sir; there are several.

Commissioner LENNON. There are?

Mr. OLIVER. Yes, sir.

Commissioner LENNON. I guess I had better keep away from that subject. I am not a scientist on that.

In the mines that I have personally visited, I have found as we went down the heat increased in all of them, both coal mines and mineral—all mines that I have visited.

Mr. OLIVER. Well, that is natural.

Commissioner LENNON. I have been a visitor; I have not been a scientist or anything of that kind.

Mr. OLIVER. That is natural. The deeper you go, it naturally gets hotter.

Commissioner LENNON. But I can not now recall a case where I went down fifteen and eighteen hundred feet, where I found a temperature of 65°. As I say——

Mr. OLIVER. Well, we have places in Butte, I believe, that run as high as 90 degrees, very few places that are not hot.

Commissioner LENNON. Who do you know in this city that would be considered an expert on a subject of this kind?

Acting Chairman COMMONS. Do you consider Mr. Gillie an expert on that subject?

Mr. OLIVER. Well, I should judge that Mr. Gillie ought to be as capable a witness as you could get on that question.

Acting Chairman COMMONS. Is there anybody better?

Mr. OLIVER. I don't know of anybody; no.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. You spoke, Mr. Oliver, of the question of the vote at the meeting as the final thing; that is, that the suppressing of that vote on election by use of the machine.

Mr. OLIVER. Well, Mr. Chairman——

Acting Chairman COMMONS. Yes.

Mr. OLIVER. The vote really wasn't suppressed. The vote had already been taken, and the chair, after being counted by the secretaries, decided that the amendment to the motion was carried. Then there was an appeal taken from

the chair, or rather a division of the house was called for, and the chair refused to entertain that motion.

Acting Chairman COMMONS. Well, now, was this question, was this issue very important, substituting a machine system for the other system of election? Was that an important issue in the organization?

Mr. OLIVER. I believe that the other side considered it an important question.

Acting Chairman COMMONS. That is, of course, the side that——

Mr. OLIVER. Was in favor of the machine.

Acting Chairman COMMONS. Was in favor of it?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. And what were the grounds of their considering it so important a question?

Mr. OLIVER. Well, they claimed that—their contention was that it was cheaper, that it would not cost the union so much to hold the election. That was the contention, or their argument, that they put forth in advocating the use of the machines.

Acting Chairman COMMONS. Well, from your knowledge of the cost of conducting elections under the system which the union has had, would it be cheaper to run it by a machine?

Mr. OLIVER. Well, I don't believe it would have been but very little cheaper.

Acting Chairman COMMONS. How much time does it take, and how many judges and so on, to count the ballots?

Mr. OLIVER. Well, they usually take a week or two to count the ballots.

Acting Chairman COMMONS. Well, who are the officials that count the ballots?

Mr. OLIVER. The clerks and judges that is elected the week previous to the election at the regular meeting.

Acting Chairman COMMONS. Now, the election is held in the hall, is it?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. And the votes are about 4,000 votes that are cast?

Mr. OLIVER. Well, they run all the way from 4,000, sometimes over 5,000.

Acting Chairman COMMONS. And how many candidates are there up usually?

Mr. OLIVER. Oh, sometimes 50 or 60 candidates.

Acting Chairman COMMONS. And how many offices to be filled?

Mr. OLIVER. When there is an election for delegates to the Western Federation convention, there is something like 30 offices to be filled.

Acting Chairman COMMONS. And how many judges?

Mr. OLIVER. Generally, six judges and four clerks is the general rule.

Acting Chairman COMMONS. Are these judges selected by the candidates?

Mr. OLIVER. No; these judges and clerks are selected by the union at the regular meeting preceding the election.

Acting Chairman COMMONS. Well, then, if there are two factions or two sets of candidates, there is no provision by which each set of candidates can have its judges or watchers?

Mr. OLIVER. Not at the election; no, sir.

Acting Chairman COMMONS. There would be at a political election in a State, wouldn't there?

Mr. OLIVER. Well, the minority party is supposed to get representation, of course, at a general election politically.

Acting Chairman COMMONS. But there is no provision in this for a minority representation in the matter of judges and clerks?

Mr. OLIVER. No, sir.

Acting Chairman COMMONS. Was that also one of the reasons for demanding this ballot?

Mr. OLIVER. I believe that was one of the reasons they set forth.

Acting Chairman COMMONS. Did they demand also minority representation in the judges of election?

Mr. OLIVER. I don't recollect that any such demand was made. The only time that the candidates have representation is for the selection of the clerks and judges, and when this selection takes place the candidate who runs for president names his own tellers, and I happened to be chosen for one of the tellers there at the last election.

Acting Chairman COMMONS. By a candidate?

Mr. OLIVER. By a candidate; yes, sir.

Acting Chairman COMMONS. I take it, then, that your idea of the explanation of this dissatisfaction is that it largely turned on the machinery of the union; that it was not such that it secured a fair expression of the vote of the membership?

Mr. OLIVER. Well, that is what it is claimed. In fact, one fellow got up there in the union and he says, "Well," he says, "if you fellows will get the clerks and judges, you will win. If we get the clerks and judges, we win." And he was a candidate himself.

Acting Chairman COMMONS. Well, then, your suggestion—what is your suggestion, or have you any to offer?

Mr. OLIVER. My suggestion would be that each candidate should be represented on the board of judges.

Commissioner LENNON. Well, if you had 50 candidates that would make rather a large force.

Mr. OLIVER. Well, each candidate there would be a candidate for the office of president.

Commissioner LENNON. Yes.

Acting Chairman COMMONS. That each candidate should be allowed to elect, should be entitled to judges and clerks?

Mr. OLIVER. Yes, sir; should have at least a minority the same as any political party in a general election.

Acting Chairman COMMONS. That is, you would copy what has been copied in the primary election?

Mr. OLIVER. Yes, sir.

Acting Chairman COMMONS. And in judges of the ordinary elections that you have for public officials?

Mr. OLIVER. That is my idea, sir.

Acting Chairman COMMONS. Well, do you feel that there is any other issue more fundamental than that of the division caused in this union?

Mr. OLIVER. No.

Acting Chairman COMMONS. This question of industrial unionism has been brought out. Do you consider that that is an important issue here?

Mr. OLIVER. No; I don't really think so, only in so far that the industrial unionists, of course, would naturally take advantage of any trouble that might come up, and jump to the front. But I don't believe the I. W. W.'s are very strong in Butte, from my observation.

Acting Chairman COMMONS. And this charge that the men are company men, what is your judgment regarding that?

Mr. OLIVER. Well, there was a good deal of race feeling in connection with that.

Acting Chairman COMMONS. Of what kind of a feeling?

Mr. OLIVER. Race feeling.

Acting Chairman COMMONS. Race?

Mr. OLIVER. Yes.

Acting Chairman COMMONS. How is that?

Mr. OLIVER. Well, the majority of those men who were discharged at that time were Finlanders.

Acting Chairman COMMONS. Socialists?

Mr. OLIVER. Well, they were supposed to be Socialists. Now, I don't know, if my observation of it is true, I don't see what reason, the company had, if they wanted to get rid of the Socialists, why they would fire the Finlanders, because the great majority of the Finlanders are not voters. Therefore they would have no say as to the decision of the elections in Silver Bow County.

Acting Chairman COMMONS. Well, then, why should they be discharged because they are Finlanders?

Mr. OLIVER. Well, I don't know.

Acting Chairman COMMONS. What race discharged them?

Mr. OLIVER. Well, I guess they were all races that got after them at that time; that is, the foremen. I believe that there is men of every race almost holding jobs either as shift bosses, foremen, or superintendents in the different mines.

Acting Chairman COMMONS. Well, then, I can't quite understand. You ascribe the division to race feeling, and you turn it on the Finlanders. You must assert some race or some other combination of races against the Finlanders.

Mr. OLIVER. Well, it came on to my notice when the referendum vote was taken on whether or not the union should go out on strike, or the miners should go out on strike, to compel the company to reinstate those discharged men.

The sentiment seemingly throughout the camp was that the men would be sustained; in other words, the company would be compelled to reinstate those men. But in general conversation with the men I found that a sentiment was

opposed to going out on strike to reinstate the Finlanders. There were several reasons given, mainly on account of they claimed the action of the Finlanders at that time in Michigan. Some years ago it seems that the Finns refused to organize in Michigan. And the sentiment here at that time, I believe the sentiment of the Americans and I believe of the English and the Irish were opposed to the Finlanders. They said, "They drove us out of Michigan and other places. They are not going to drive us out of Butte." I heard that expression several times.

Commissioner GARRETSON. Well, then, wasn't the racial question really applied to the question of reinstatement and not to the question of discharge?

Mr. OLIVER. Well, I could not say as to that.

Commissioner GARRETSON. Wouldn't that show?

Mr. OLIVER. They were men of different races discharged at that time. They were not all Finlanders, although I believe the majority were Finlanders.

Commissioner GARRETSON. What is the buzzer system?

Mr. OLIVER. What?

Commissioner GARRETSON. What is the buzzer system?

Mr. OLIVER. The buzzer? Well, that is the—that is a small machine. It is what is called a hammer drill, and it is supposed to be used by one man, and in drilling uppers or holes—that is, looking straight up—it is a very handy machine at times for drilling short holes, plugs, and that like in mines, but, of course, those machines can not be used universally, because they are not practicable for drilling water holes.

Commissioner GARRETSON. In your opinion is there any relation between the operation of these machines and health conditions or not?

Mr. OLIVER. Well, I don't believe the buzzer machine would tend to lengthen the life of the miner by any means.

Commissioner GARRETSON. Are there enough of them used that they would have any direct effect except on the ones operating them?

Mr. OLIVER. That is all, I take it.

Acting Chairman COMMONS. That is all, Mr. Oliver. The commission will stand adjourned until 2 o'clock.

(And thereupon, at 12.25 o'clock p. m. of this, Friday, August 7, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTER RECESS—2 P. M.

Acting Chairman COMMONS. The commission will come to order. Mr. Rankin. Is Mr. Rankin here—J. B. Rankin?

TESTIMONY OF MR. J. B. RANKIN.

Acting Chairman COMMONS. Give your name.

Mr. RANKIN. J. B. Rankin.

Acting Chairman COMMONS. Your address?

Mr. RANKIN. Anaconda, Mont.

Acting Chairman COMMONS. What is your line of work?

Mr. RANKIN. Mill work—concentrator. I work in the concentrator at the smelter.

Acting Chairman COMMONS. At the smelter—how long have you been working there?

Mr. RANKIN. Nearly 15 years.

Acting Chairman COMMONS. What are the wages at the smelter?

Mr. RANKIN. Three dollars and up.

Acting Chairman COMMONS. What class get more than $3?

Mr. RANKIN. Well, there are different classes in the concentrator and converter and glass. It runs up as high as four and four and a half.

Acting Chairman COMMONS. Is this a scale that is agreed upon in the contract that has been spoken of?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. Is there a smeltermen's union separate from the miners' union?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. Well, you may give the history of that union. How was it organized?

Mr. RANKIN. It was organized, I think, about 1901—some time in the latter part of 1900 or 1901—the beginning of 1901, or some place about there; and all

employees at the smelter—that is, the mill and smelter, with the exception of the tradesmen—belong to the mill and smelter union, chartered by the Western Federation of Miners.

Acting Chairman COMMONS. Does that maintain a separate organization from the miners' union?

Mr. RANKIN. A separate local.

Acting Chairman COMMONS. A separate local?

Mr. RANKIN. Yes; it is chartered by the Western Federation of Miners.

Acting Chairman COMMONS. What is the number and name?

Mr. RANKIN. Anaconda Mill and Smeltermen's Union, No. 117.

Acting Chairman COMMONS. How many members of that union?

Mr. RANKIN. Well, it will run around 1,700.

Acting Chairman COMMONS. How many are employed in the mill and smelter that are eligible?

Mr. RANKIN. That is, under our jurisdiction?

Acting Chairman COMMONS. Yes, sir.

Mr. RANKIN. I judge around all the way, probably, from seventeen to eighteen hundred; sometimes it will run more than that. It might go as high as 1,900. We have had as high as 2,200 members, but now, lately, it has gone down. The last—those showing in good standing—you know what I mean in good standing; a man entitled to sick benefits—the 1st of July was fourteen hundred and something; but that will vary, the chances are, 200 in a month. But it hangs around sixteen fifty to seventeen hundred; it will average that.

Acting Chairman COMMONS. There are about 2,300 employees, are there not, in the plant?

Mr. RANKIN. Oh, I believe more than that. You mean tradesmen and all?

Acting Chairman COMMONS. No; just the various——

Mr. RANKIN. No, sir; there is not that many under our jurisdiction.

Commissioner O'CONNELL. You have all over whom you claim jurisdiction, as I take it?

Mr. RANKIN. We are entitled to have all of them.

Commissioner O'CONNELL. But there are more or less employed, and your organization goes up and down?

Mr. RANKIN. Yes; we don't bother anyone unless he is working steadily. If a man comes along and works probably a few days and moves along, he is never bothered. Unless a man gets fairly good pay for a couple of months we don't bother him.

Acting Chairman COMMONS. Everybody that is working there over two months and eligible to your organization becomes a member?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. Does your organization have a grievance committee to take up any complaints?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. How is that constituted?

Mr. RANKIN. Why, the two secretaries and president of the union always constitute the grievance committee.

Acting Chairman COMMONS. And what is the nature of grievances that are taken up?

Mr. RANKIN. Oh, that differs. About the only grievances that we have is men sometimes think they are discharged for nothing, and they will come to the union with their grievance and we will go to the management with it.

Acting Chairman COMMONS. What attitude does the union take regarding discharges by foremen?

Mr. RANKIN. Well, we don't have very much of it. There has only been, I believe, two cases reported in the last year.

Acting Chairman COMMONS. That is, the union gives the company a free hand regarding all discharges?

Mr. RANKIN. Oh, yes. Yes; that is, unless there is complaint made to the union that a man considers that he is discharged without any just cause—why, he comes to the union with it.

Acting Chairman COMMONS. How many of those complaints are there?

Mr. RANKIN. Well, I think there was two in the last year back.

Acting Chairman COMMONS. Only two members; two discharged men made complaint?

Mr. RANKIN. Yes; made complaint direct to the union.

Acting Chairman COMMONS. To the union?

Mr. RANKIN. Yes.

Acting Chairman COMMONS. You are president of the union, are you?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. How long have you been president?

Mr. RANKIN. Since—well, I was elected in June last year and reelected June this year again.

Acting Chairman COMMONS. So that during the time you have been president there have been about two complaints?

Mr. RANKIN. Two complaints; that is what there was, if I remember correctly; just two.

Acting Chairman COMMONS. The question has been brought up here with reference to the miners' union regarding the discharge of Socialists. What is the attitude of your union on that matter, or have Socialists been discharged in similar ways?

Mr. RANKIN. I haven't heard any mention whatever of it.

Acting Chairman COMMONS. There never has been any discharged?

Mr. RANKIN. Not that I know anything about. We never—I don't know of any case where a man was discharged because he was a Socialist or anything else, as far as that goes.

Acting Chairman COMMONS. The question has never come up to your union, then, regarding the discharge of Socialists?

Mr. RANKIN. Well, not that I know anything about. Not in my time.

Acting Chairman COMMONS. That is, that means during the past 15 years?

Mr. RANKIN. Well, there was Socialists here some years ago, but I don't know. There was something going on at that time, but whether or not it was socialism or not I don't know. I am not in position to say what it was.

Acting Chairman COMMONS. What improvement has been made in the working conditions or in the operations under the jurisdiction of your union?

Mr. RANKIN. Improvements in what way?

Acting Chairman COMMONS. Well, as for hours of labor, first?

Mr. RANKIN. Well, we have enjoyed the same conditions as Butte and all the other departments of the company.

Acting Chairman COMMONS. How long has that been?

Mr. RANKIN. The same time as the eight-hour law went into effect.

Acting Chairman COMMONS. And the sanitary conditions—protection of health?

Mr. RANKIN. It looks pretty good to me. I think it is as good as could be. There was a time when accidents were pretty—there was a good many accidents when the new works first started out, that is only on the air line. There was a few that was killed in other parts, but I guess there were more killed on the air line than any other department. And I think it was young fellows trying to run the engines too fast, as near as I can tell.

Acting Chairman COMMONS. You have a benefit system?

Mr. RANKIN. Which?

Acting Chairman COMMONS. A benefit system?

Mr. RANKIN. Yes, sir.

Acting Chairman COMMONS. Does it cover the same as the miners?

Mr. RANKIN. Pay sick and funeral benefit.

Acting Chairman COMMONS. To the same amounts, same amounts?

Mr. RANKIN. Ten dollars a week sick benefit.

Acting Chairman COMMONS. Any question?

Commissioner GARRETSON. Yes; I would like to ask one or two.

Acting Chairman COMMONS. Go ahead.

Commissioner GARRETSON. With regard to what you said is the attitude of your union about men being discharged or protecting them in their employment: Do you recognize the right of the company to discharge any man if they consider him for any reason, business or otherwise, undesirable?

Mr. RANKIN. Well, they claim that right.

Commissioner GARRETSON. I say, do you recognize that right?

Mr. RANKIN. Oh!

Commissioner GARRETSON. Does your union recognize it?

Mr. RANKIN. Well, I can't say that it does.

Commissioner GARRETSON. Does your union set up, as the average labor union does, that as long as a man properly performs the service for which he is hired that his discharge without specific cause is not justified?

Mr. RANKIN. Well, I have only been on two cases, and that is all I know anything about. In one of those cases in particular we had the man reinstated.

Commissioner GARRETSON. You demonstrated that he had been unjustly discharged, in other words?

Mr. RANKIN. Yes; that is, through the foreman.

Commissioner GARRETSON. How is that?

Mr. RANKIN. The foreman was as much to blame; they considered the foreman was as much to blame as the man.

Commissioner GARRETSON. Yes. In other words, there were extenuating circumstances there?

Mr. RANKIN. Yes.

Commissioner GARRETSON. There have only been two cases presented in a union that has an average membership of probably 1,600 men?

Mr. RANKIN. Yes.

Commissioner GARRETSON. Two cases in a year?

Mr. RANKIN. I have been on two cases in my time.

Commissioner GARRETSON. That of itself is rather fair evidence that the membership of the union itself recognizes that it would be hopeless in a general way to bring cases there, does it not?

Mr. RANKIN. I don't see why it should be.

Commissioner GARRETSON. How many men have been discharged in the period of a year?

Mr. RANKIN. Oh, I am not in position to answer that.

Commissioner GARRETSON. Haven't any idea?

Mr. RANKIN. No; I haven't any idea. I could not answer that.

Commissioner GARRETSON. Don't you know what the general rate of discharge among your membership is?

Mr. RANKIN. Well, no, I don't. Men are coming and going there every day. I don't know whether they are discharged or not. If they are discharged, they say nothing about it. I don't know anything about that. I couldn't answer that, how many are discharged.

Commissioner GARRETSON. Well, doesn't the average labor union keep some track of the inroads upon its members?

Mr. RANKIN. Well, we try to.

Commissioner GARRETSON. A protective labor organization.

Mr. RANKIN. We try to keep track of them, but men will come there and be there months, you know, and then they will drop out.

Commissioner GARRETSON. Well, I am not speaking of discharge of men in increase or decrease of force. I am speaking of men who are in regular employment and who are removed, fired.

Mr. RANKIN. I understand. Well, I am not in position to answer how many are fired. No; I can't answer that because I only work in one department, and men being fired in that department there are very few.

Commissioner GARRETSON. Well, I would suppose that regular reports were made by the men in all departments as to the occurrences in their departments.

Mr. RANKIN. Well——

Commissioner GARRETSON. What is laid down as the object of your organization?

Mr. RANKIN. Why, the object of the organization is the same as laid down by the Western Federation of Miners—protect the workingmen.

Commissioner GARRETSON. Is the union founded on the basis of the protective feature—that is, protecting a man in his service is one of the greatest benefits that can come to him?

Mr. RANKIN. Yes.

Commissioner GARRETSON. In other words, protecting him against the caprice ordinarily of subordinate representatives of the employer?

Mr. RANKIN. Well, that is what it is supposed to be; yes.

Commissioner GARRETSON. But still it has only worked out two cases in a year?

Mr. RANKIN. I said there was only two cases reported to the union.

Commissioner GARRETSON. Well, I mean it has worked out that the union has had official notice of two instances?

Mr. RANKIN. That is all.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Any questions?

Commissioner LENNON. Mr. Rankin, has your union been divided, as evidently has been the case in Butte recently?

Mr. RANKIN. Which?

Commissioner LENNON. Is your union, the smeltermen's union, divided up as it is in Butte?

Mr. RANKIN. No, sir.
Commissioner LENNON. They are still intact?
Mr. RANKIN. Yes, sir.
Commissioner LENNON. Still affiliated with the Western Federation?
Mr. RANKIN. Yes, sir.
Commissioner LENNON. Have you ever had in your union any of the complaints that we have heard here, regarding elections of officers, for instance, that were supposed to be unjust?
Mr. RANKIN. That is, you mean anything wrong about the elections?
Commissioner LENNON. Elections; yes, sir.
Mr. RANKIN. None that I have heard tell of.
Commissioner LENNON. You have heard of nothing of the kind?
Mr. RANKIN. No, sir.
Commissioner LENNON. Are the conditions that you have over in Anaconda maintained generally throughout the United States in similar plants—the wages, for instance?
Mr. RANKIN. The wages?
Commissioner LENNON. Yes.
Mr. RANKIN. Well, the lowest wages paid is $3 a day. I don't know what they pay in other parts of the country.
Commissioner LENNON. You don't?
Mr. RANKIN. That is the lowest paid.
Commissioner LENNON. Yes. That is all, Mr. Chairman.
Acting Chairman COMMONS. That is all.
Commissioner GARRETSON. Let me ask about one other matter: Have you ever seen any evidence of an effort on the part of the company to secure the vote of its employees in any given direction politically?
Mr. RANKIN. Well, I can't say that I did; that is, directly; no.
Commissioner GARRETSON. Well, how indirectly?
Mr. RANKIN. Oh, I have heard it said that the company wanted a certain party elected, or something like that.
Commissioner GARRETSON. How is the news passed around?
Mr. RANKIN. Oh, well, I don't know; the news started and then it goes around. Of course, no person ever said anything to me.
Commissioner GARRETSON. You don't know of any instance where there have been specific instances?
Mr. RANKIN. You mean direct orders?
Commissioner GARRETSON. Oh, no. Requests is a better word.
Mr. RANKIN. Well, I have heard it said in a general way that the company wanted a certain ticket elected.
Commissioner GARRETSON. Have you ever heard that expressed by a man whom you had reason to believe was a direct representative of the company's will?
Mr. RANKIN. Oh, no; I can't say that; no. Fellows that lined up with the party that wanted the party elected, I suppose.
Commissioner GARRETSON. Then you have no direct knowledge on that subject?
Mr. RANKIN. I have never mixed in politics close enough to be led that way.
Commissioner GARRETSON. You are not a political agent?
Mr. RANKIN. Not a political agent; no; never was.
Commissioner GARRETSON. That is all.
Acting Chairman COMMONS. That is all.
Mr. Mathewson.

TESTIMONY OF MR. E. P. MATHEWSON.

Acting Chairman COMMONS. Give your name and address, Mr. Mathewson.
Mr. MATHEWSON. E. P. Mathewson, Anaconda, Mont.
Acting Chairman COMMONS. Your position?
Mr. MATHEWSON. Manager of the Washoe reduction works of the Anaconda Copper Mining Co.
Acting Chairman COMMONS. What do you mean by reduction works?
Mr. MATHEWSON. Where ores are reduced to the metal.
Acting Chairman COMMONS. Reduced what?
Mr. MATHEWSON. Brought to metal; metal is extracted from the ores.
Acting Chairman COMMONS. Will you describe the processes, just briefly, so that we may have an idea?
Mr. MATHEWSON. You mean of our particular plant?

Acting Chairman COMMONS. Yes.

Mr. MATHEWSON. The ore is brought from Butte; is for the most part put into what is known as a concentrator, where by the action of gravity and water we separate the waste material from the better ore, richer ore. This we call concentrating and about three tons of the ore coming from Butte will be concentrated into one ton of concentrates.

These concentrates are then sent to the roasting furnaces, where the sulphur, surplus sulphur, is extracted by heat. Then the calcine, as it is then called, or roasted material, is put into melting furnaces, either blast furnaces or reverberatory furnaces, and melted. This material is melted down and separated in that way from a lot of worthless material; we get two products—a slag, which is thrown away, and a mat, which contains the copper, silver, and gold in the ore. This mat runs possibly between 40 and 50 per cent in copper. This material is then taken to the converters and in these furnaces—this material is taken molten to the converters—and in these furnaces air is applied under pressure, and the iron and sulphur in the mat are eliminated. The sulphur goes off in gas and the iron is fluxed with some silicious ore and makes a slag. This slag is poured off and returned to the blast furnaces for further treatment, as it contains values, both in metal and as a flux. There is left nothing, then, but the copper containing the silver and gold. This copper containing the silver and gold is put into what we call casting furnaces. In these furnaces it gets a rough refining, the object being to get the metal to such a state that it can be poured into molds, and the plates thus formed will have an even, level surface or nearly level surface; if it were not refined, the surface would be very irregular, and the metal would not be in shape for the next step in the process of refining. We call these plates of metal anodes. These anodes we ship to our refinery in Perth Amboy, N. J., where they are treated and the different metals extracted. Certain of the ores in Butte are rich enough to go direct to the blast furnace without any preliminary treatment. Those ores are mixed with flux and melted with coke as fuel in the blast furnace. The product is the same as in the reverberatory furnace, mat and slag. The mat is the same composition and takes the same treatment. The slag is mixed with the slag from the reverberatory furnace, and is of no further value and is thrown away.

Commissioner GARRETSON. Isn't that process in the handling of the ores the same as what is known in free milling?

Mr. MATHEWSON. Yes. Free milling is a term that does not apply to copper ores.

Commissioner GARRETSON. At all?

Mr. MATHEWSON. It does to gold.

Commissioner GARRETSON. Well, gold and silver, too.

Mr. MATHEWSON. Yes; gold and silver ore; but our ore is known as sulphide ore, and has to go through this treatment.

Acting Chairman COMMONS. Then the next is——

Mr. MATHEWSON. Roasting, to remove sulphur, then melting or smelting. That is, the smelting proper.

Acting Chairman COMMONS. What process does reduction cover?

Mr. MATHEWSON. That covers the whole business.

Acting Chairman COMMONS. Concentrating, reduction, and smelting?

Mr. MATHEWSON. Yes, sir; it is reducing the metal from the ore to the metallic state.

Acting Chairman COMMONS. The term you used, ore smelting, where does that come in?

Mr. MATHEWSON. That is the same word as melting. Smelting and melting are synonymous terms.

Acting Chairman COMMONS. The term reduction covers the whole process?

Mr. MATHEWSON. Yes, sir.

Acting Chairman COMMONS. Is this unskilled labor, all of it?

Mr. MATHEWSON. No, sir.

Acting Chairman COMMONS. How large a force is unskilled?

Mr. MATHEWSON. All the helpers and common laborers around the plant are unskilled. The furnace men are skilled men, and men after a little practice in the different departments become skilled and more valuable to us than ordinary new men coming in.

Acting Chairman COMMONS. How many employees altogether in these processes?

Mr. MATHEWSON. Usually we have in the whole plant about 2,300 men employed.

Acting Chairman COMMONS. What proportion would be unskilled?

Mr. MATHEWSON. Probably half of them would be unskilled men.

Acting Chairman COMMONS. What proportion are three dollar and a half men?

Mr. MATHEWSON. It is pretty hard to tell you. I could get you a list of the men and give you all those rates, but offhand I could not tell you.

Acting Chairman COMMONS. How high up does it go?

Mr. MATHEWSON. We go up on our regular pay roll to $4 for furnace men. Furnace men get $4, and there are men in the concentrators that get $3.50. Most of the men get $3 in the concentrators. In the roasting department the men are $3 men. There is a furnace man on each shift that gets $4, and the helper gets $3. In the converter the skimmers get $3, and the crane men get $4. Some men get $3.50, and the balance $3. In the blast furnace the feeders and tappers get $4, and the helpers get $3. In the stationary engineer's department, where the compressers are, the men get $4, and the helpers get $3. Most of them are engineers.

Acting Chairman COMMONS. All of the work is continuous, is it?

Mr. MATHEWSON. Continuous except in trade work, which is stopped on Sunday.

Acting Chairman COMMONS. And three shifts?

Mr. MATHEWSON. Three shifts.

Acting Chairman COMMONS. And how do you arrange the change in shifts?

Mr. MATHEWSON. They change at 7 and 3 and 11.

Acting Chairman COMMONS. Well, on day and night shifts?

Mr. MATHEWSON. Every two weeks they change. One shift will work a long shift and the other come in its regular turn again.

Acting Chairman COMMONS. What would be the long shift, 16 hours?

Mr. MATHEWSON. Sixteen hours; it would be 16 hours.

Acting Chairman COMMONS. A man works 16 hours how often?

Mr. MATHEWSON. He would work 16 hours and lay off 16 hours.

Acting Chairman COMMONS. How often?

Mr. MATHEWSON. Once in two weeks. Immediately after that shift he will lay off 16 hours.

Commissioner GARRETSON. Every two weeks?

Mr. MATHEWSON. Yes, sir.

Commissioner GARRETSON. One shift doubles and the other two spread?

Mr. MATHEWSON. Yes, sir; that is it.

Acting Chairman COMMONS. How long have the conditions been as you have now described them?

Mr. MATHEWSON. You mean how long has the plant been in operation?

Acting Chairman COMMONS. I mean how long have the wages and hours and shifts been on this basis?

Mr. MATHEWSON. Well, ever since I have been connected with the plant it has been like that, except the wages. The wage question was settled in 1907, when this contract was entered into with the mill and smeltermen's union and other unions.

Acting Chairman COMMONS. How did that contract affect it? Was there a change in the wages?

Mr. MATHEWSON. Yes, sir; it raised the wages for a great many of our common laborers.

Acting Chairman COMMONS. What had they been paid?

Mr. MATHEWSON. They had been paid two dollars and a half. A good many of them had been paid two dollars and a half a day.

Acting Chairman COMMONS. It affected probably half?

Mr. MATHEWSON. I think as much as half.

Acting Chairman COMMONS. Those now getting $3 would have been getting two fifty?

Mr. MATHEWSON. Some of them had been getting $3 a little before that. There was some agitation before the contract was made and some increase had been made in certain departments, but the bulk of the increase was made at that time.

Acting Chairman COMMONS. How long have you been in charge?

Mr. MATHEWSON. In actual charge since the 1st of June, 1903, but I was in charge of a department of the plant for a year previous.

Acting Chairman COMMONS. Since 1903 what changes have been made in the matter of health or the protection of health of the workmen have you entered into?

Mr. MATHEWSON. The health?

Acting Chairman COMMONS. Yes, sir.

Mr. MATHEWSON. We have done away with the clay mill—what was known as the clay mill—where powdered ore was in the air considerably. We have put in ventilators wherever we could see they would do any good. We have improved the flue system so as to get the deleterious gases away from contact with the employees. We have put up all manner of safety appliances to prevent the men from having accidents, and in every way we could think of we have tried to improve the conditions of the men. We have also introduced a first-aid system in case of accidents. We have on the pay roll of the company a professional nurse, and we have a first-aid room, and we have all manner of first-aid appliances there, and medicines and bandages and so on, to attend to the men promptly in case of accident. This is all at the company's expense and has nothing to do with the hospital fund, which is a separate fund and is worked something like it is worked here in Butte at the mines. We collect from the men a dollar a month and turn that over to the Sisters Hospital, the only hospital in town, and for that dollar the men get medical attendance and hospital attendance.

Acting Chairman COMMONS. Would your accident figures be comprised in the others we have asked for?

Mr. MATHEWSON. Yes, sir; the same claim agent looks after the mine as the smelter.

Acting Chairman COMMONS. The previous witness stated that the company has complete control of the matter of the discharge for any reason or no reason whatever. Is that the way in which the management operates the removal of men from employment?

Mr. MATHEWSON. No, sir; our arrangement regarding the removal of men from the employment is this: We put it up to the foreman in charge of the different departments to hire their own men, and if the men are not satisfactory to discharge them. If the man is discharged, the foreman must send in a report to the general manager's office, and state the reason of the discharge, or if a man is laid off for more than 10 days, the same thing must be done, the same report must be made. Then if the man is not satisfied with the explanation given him by his foreman, he has the right to come to the office either himself or come through the union. They very seldom come through the union, but frequently come themselves.

Acting Chairman COMMONS. To whom would they come?

Mr. MATHEWSON. They come to me generally.

Acting Chairman COMMONS. Or to the next——

Mr. MATHEWSON. Or to the next man in charge.

Acting Chairman COMMONS. Who is the next man in charge?

Mr. MATHEWSON. Mr. Laist, who is called general superintendent of the plant.

Acting Chairman COMMONS. In case you take action or arrive at the opinion that the man has been unreasonably discharged, what action do you take with reference to the foreman?

Mr. MATHEWSON. You say if he has been unreasonably discharged?

Acting Chairman COMMONS. Yes.

Mr. MATHEWSON. I generally call the foreman up to my office and have him explain his side of the story, and if his explanation is satisfactory to me I let the thing stand as it is. If it is not satisfactory to me, I tell him to put the man back to work.

Acting Chairman COMMONS. Have you done that?

Mr. MATHEWSON. I have done that many times. Put the man back to work many times. I consider the foreman didn't use good judgment. If I found it was a personal difference between the foreman and the man—that is, some personal equation came in and the man was a capable man and capable of giving good service to the company—I have changed him to some other foreman. I have done that also frequently.

Acting Chairman COMMONS. Would you consider requiring a foreman to take back a man he has discharged——

Mr. MATHEWSON. Beg pardon.

Acting Chairman COMMONS. Would you consider requiring a foreman to take back a man he has dismissed? Does not that weaken his discipline?

Mr. MATHEWSON. I don't allow him to take him back unless he is willing to take him back. If I can persuade him to take him back, all right. I never force him to take him back.

Acting Chairman COMMONS. He must find another foreman?

Mr. MATHEWSON. He must either find another foreman or get out.

Acting Chairman COMMONS. Do you have this system that has been described as the rustling card?

Mr. MATHEWSON. Yes, sir.

Acting Chairman COMMONS. Where is that card secured for your work?

Mr. MATHEWSON. At our gate—the gate of the plant.

Acting Chairman COMMONS. And who has charge of that?

Mr. MATHEWSON. There is a special clerk on that job called an employment agent.

Acting Chairman COMMONS. And what is his name?

Mr. MATHEWSON. Mr. Martin.

Acting Chairman COMMONS. Is he under the general direction of the general employment office?

Mr. MATHEWSON. No, sir; he is under my direction solely.

Acting Chairman COMMONS. Solely?

Mr. MATHEWSON. Yes, sir.

Acting Chairman COMMONS. What are the questions which are asked on the employment blank?

Mr. MATHEWSON. I am not sure that I can recall all of them, but they are simply something like this: The man's name is asked, his birthplace, and his age, and where he last worked. He is asked if he is an American citizen and if he has any property in Anaconda. I think that is about all that is on the list.

Acting Chairman COMMONS. You have 2,300 men employed—that is, steadily—we will say. How many are on the list that have cards permitting them to rustle?

Mr. MATHEWSON. Oh, there are a great many. I think the number now is up around fifteen or sixteen thousand. This system has been in vogue for a long time in Anaconda.

Acting Chairman COMMONS. Of course, then, you don't keep a record with reference to the men on the ground? The great bulk of those have left town?

Mr. MATHEWSON. Oh, yes; a great many of them have come and gone.

Acting Chairman COMMONS. Can you state how many men you hire in a year in order to keep up your force of 2,300.

Mr. MATHEWSON. I could not state with any degree of accuracy. I can get the figures.

Acting Chairman COMMONS. Can you state by the month?

Mr. MATHEWSON. I say I could not do that with any degree of accuracy; it varies very much. Some seasons we have a great many men coming in and changing, and in other seasons they work very steadily.

Acting Chairman COMMONS. Could you furnish a statement that would show the number of men hired during the year?

Mr. MATHEWSON. I could furnish it for recent years; yes, sir.

Acting Chairman COMMONS. Will you furnish such a statement?

Mr. MATHEWSON. Yes, sir. For how many years back would you like it?

Acting Chairman COMMONS. For one year is sufficient.

Mr. MATHEWSON. During the past year.

Acting Chairman COMMONS. That means the number of men—the number of new men taken on by foremen.

Mr. MATHEWSON. During the year; yes, sir.

Acting Chairman COMMONS. It should include also the number of men dismissed.

Mr. MATHEWSON. That would be a separate thing. I might say there are very few men discharged in our plant.

(The following communication was subsequently received from Mr. Mathewson:)

BUTTE, MONT., *August 8, 1914.*

The number of rustling cards issued by the reduction works of the Anaconda Copper Mining Co., Anaconda, Mont., from July 1, 1913, to August 1, 1914, was 1,926; the number of men discharged in same period was 35.

There were several hundred men added to our force during this period for construction work and included in the 1,926.

E. P. MATHEWSON,
Manager Reduction Works,
Anaconda Copper Mining Co., Anaconda, Mont.

COMMITTEE,
United States Labor Commission.

Acting Chairman COMMONS. Apparently there is no such thing as discharge here; simply the foreman don't take them on; is that it?

Mr. MATHEWSON. They are laid off. The men are laid off sometimes. If a foreman gets a notion he don't like a man, he will lay him off, and the man gets discouraged and stays away. That is the way some foremen act. If a man is real quarrelsome or drunk or something like that and generally useless to the foremen, they simply discharge them; but it is very seldom they do discharge them.

Acting Chairman COMMONS. Have you ever considered concentrating your employment in the hands of a chief employment agent directly in your office?

Mr. MATHEWSON. Have I ever considered what?

Acting Chairman COMMONS. Ever considered the proposition of changing the system and not permitting the foremen to hire and discharge men, but having them hired directly from the central office?

Mr. MATHEWSON. We used to have a system something like that, but it was very unsatisfactory.

Acting Chairman COMMONS. In what way?

Mr. MATHEWSON. Well, it resulted in nepotism; they would have friends and relatives that would be coming around and wanting jobs. They would come and bring influence to bear on the office, and somebody would say he would like for Tom, Dick, or Harry to have a job, and we would give him a note to some foreman, and he would put him on because he had a note from the office. And the result was that we had two men for every job on the plant, and when times got hard we had to change the method, and we took the foremen into our counsel and asked them how it was they had so many men on the job when really there wasn't work for them.

They said the men were sent from the office, and he could not get any work out of them and had to hire other men. We made this ruling—that the foremen should be absolutely responsible for the hiring and discharging of the men, and we would hold the foremen responsible for the work, and if there were any men in his employment who were beyond work—been faithful servants of the company in the past—we should send them up to the office and we would take care of them.

Acting Chairman COMMONS. I was thinking of a little different plan that is in vogue at different places—that the foreman would simply make a requisition. When he has discharged a man or has laid off a man, he makes a requisition on the office, so that there would not be this piling up of men waiting to be put to work. That does not follow that that centralized system requires that there be men kept in such large numbers on the reserve list. It could be operated in a different way from what you have described.

Mr. MATHEWSON. Well, the great trouble would be, you have three shifts, day and night. You would have to have somebody in the employment office day and night to supply these men. The nearest approach we have to that system is the timekeepers' office. If a foreman is shy a man, he telephones up to the timekeeper, and says, "Send me down a rustler; we are short a man."

But our great trouble has been too many men seeking employment. The men are too numerous, and at times we have to shut off rustling cards altogether on account of too many men coming into town. We are very seldom short of men.

Acting Chairman COMMONS. I should think your system encourages men coming here and hanging around without any opportunity of steady employment. It encourages the accumulation of idle men in the town who will hang on and think that they might possibly secure work, but secure only a small amount of work. Now, isn't that the effect of your system?

Mr. MATHEWSON. There is a certain amount of that. They hang around a while, but they very soon get to know whether or not they are going to get on. After they have rustled a little while, they tumble to the fact there is not likely to be a vacancy in the particular department in which they are rustling and go on to the next place, but most of our men are very steady and the chances for a rustler are extremely slim, and the man who rustles is generally a newcomer or floater who just comes around for a few days to see if he can get a job and rustles a few shifts, and if he don't strike a job, he goes on some new place.

If a man rustles faithfully for a month, they are pretty sure to get a job, but they don't do that. They try two or three days, and are not satisfied with getting a job and so they go on.

Acting Chairman COMMONS. It don't seem to me that is a very good system.

Mr. MATHEWSON. It has worked out in our case very satisfactorily. We haven't had any trouble.

Acting Chairman COMMONS. I wonder if we could get accurate figures that would show the number of men that are hanging around rustling, as compared with the number of men that have steady work?

Mr. MATHEWSON. Well, in ordinarily busy seasons under normal conditions perhaps we will have 20 rustlers there a day.

Acting Chairman COMMONS. Out of 2,300?

Mr. MATHEWSON. Out of 2,300 men working there will be 20 rustlers at the gate every day, under normal conditions. With hard times, there would be 200

Acting Chairman COMMONS. Well, that is a very small proportion, 20 for 2,300 probably would be very small.

Mr. MATHEWSON. Yes, sir; that is about the proportion.

Acting Chairman COMMONS. What is the method that you have in dealing with personal injury cases?

Mr. MATHEWSON. We make a report of every accident, and give the names of the witnesses and so on; file that report with the claim agent at Butte, and he attends to the matter, we have nothing further to do with it.

Acting Chairman COMMONS. It is all turned over to him?

Mr. MATHEWSON. It is all turned over to the claim agent at Butte.

Acting Chairman COMMONS. Does he have his representative there?

Mr. MATHEWSON. No, sir; we are his representatives. We make the investigation and the foreman makes the report.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. You stated that when the employment agent did the hiring that nepotism entered into it to a certain degree. Do you find that your foreman is less human than the employment agent in that direction?

Mr. MATHEWSON. Well, he is for this reason: We hold the foreman responsible for the work where we could not hold him before.

Commissioner GARRETSON. What measure of efficiency have you for making a comparison on?

Mr. MATHEWSON. We know how many tons a day he should get out of a certain product with a certain number of men, and there are a certain number of men sent to a certain job, so many men to a furnace. He can't put more than that on. He has a limited number to put on each furnace.

Commissioner GARRETSON. How would he do in the old days?

Mr. MATHEWSON. Put them on any way he liked. Let them hide around behind boxes or anywhere.

Commissioner GARRETSON. Didn't you hold him responsible for that?

Mr. MATHEWSON. We tried to whenever we could catch him, but there was no way of catching him.

Commissioner GARRETSON. You can catch him easier now?

Mr. MATHEWSON. Yes, sir.

Commissioner GARRETSON. You say there are very few men discharged. They don't discharge unless a man gets on a drunk, but you suspend him and refuse to put him back again. What is the difference between discharge and suspension of that character?

Mr. MATHEWSON. Well, in one case a man would have to get a new card and go to rustling all over again in some other department, and in the other case he has his brass check and can go in anywhere and has a better chance than a rustler.

Commissioner GARRETSON. You mean a man suspended in one department, while under that suspension, can work in another department?

Mr. MATHEWSON. Yes, sir.

Commissioner GARRETSON. That is a new one. That is all.

Acting Chairman COMMONS. Mr. O'Connell, any questions?

Commissioner O'CONNELL. No questions.

Acting Chairman COMMONS. That is all. Mr. Daly.

TESTIMONY OF MR. WILLIAM B. DALY.

Acting Chairman COMMONS. State your name.

Mr. DALY. William B. Daly.

Acting Chairman COMMONS. Your business?

Mr. DALY. General superintendent of mines for the A. C. M. Co.

Acting Chairman COMMONS. I think we were asked to substitute you for Mr. Lentz.

Mr. DALY. Yes, sir.

Acting Chairman COMMONS. On the ground that you had installed this rustling, card system?

Mr. DALY. Yes, sir.

Acting Chairman COMMONS. And were informed about its workings?

Mr. DALY. Yes, sir.

Acting Chairman COMMONS. Have you brought with you the blanks and forms we requested yesterday that Mr. Lentz should get?

Mr. DALY. Yes, sir.

Acting Chairman COMMONS. Will you kindly file them?

Mr. DALY. This is a form of record——

Acting Chairman COMMONS. By the way, I should like to have you start in at the beginning of the system and describe it in regard to what inquiries are made, and we will not ask you any questions, but you describe it in your own way.

Mr. DALY. The first thing that is done if a man seeks employment is to apply at the office for a rustling card. When he makes application he is required to fill out and sign this blank.

Acting Chairman COMMONS. Let the reporter have that.

Mr. DALY. The blank is as follows:

(Place for number.)

APPLICATION FOR EMPLOYMENT, A. C. M. Co., BUTTE, MONT.

Name of applicant, age, birthplace, if foreign born, are you a citizen of the United States_____
Trade or occupation_____
Were you ever in the employment of this company? If so, in what mine or in what department were you last employed?_____
State date of leaving last employment_____
Can you read and write English?_____
Single or married; if married, where does your family reside?_____
My present address is_____
Date and place for the signature of the applicant_____

When he has filled out this application blank, if he has never received a rustling card before and has not been in the employment of the company at any time since the installation of the department, he is required to furnish a previous service record—that is, to state the name of his employer and the time that he worked for the different employers, the period of years, and so on, that have passed since the installment of the office.

Acting Chairman COMMONS. Is that on the blank?

Mr. DALY. No, sir; it is written on the back of this blank in longhand, that information. When he has done that he is given this card.

(The paper so presented was marked "Document Serial No. 390, August 7, 1914, Witness Daly.")

Mr. DALY. This card is as follows:

A. C. M. Co., BUTTE, MONT.

Application No. _____.
Name_____
Date of issue _____

ANACONDA MINING CO.

By — the party issuing the card.

On the reverse side of this card—to connect the story—after having received this card, he proceeds to rustle in any of the departments of the company he wishes. If he obtains employment, he presents this card to the timekeeper at the first shift—the beginning of the first shift, and signs his name on the back of it. The timekeeper then fills in the balance of it at the desk in the mine or department and designates the time or department that he is employed and the date of starting and his trade or occupation. The timekeeper signs that and returns it to the office. That completes that part of the card, and the card is taken up.

Commissioner LENNON. Do you file the card or make a book record from the card?

Mr. DALY. We make a book record from the form I have just presented and file the card also.

Acting Chairman COMMONS. You didn't speak of that book record.

Mr. DALY. This is the form. The record is kept in loose-leaf form. This is one of the leaves on which the record is kept.

(The record referred to was submitted in printed form.)

Commissioner GARRETSON. The column headings agree with the blanks on the card in general?

Mr. DALY. Precisely.

Commissioner GARRETSON. Every line is a virtual copy of the application and card?

Mr. DALY. Well, this states the name and number and date of application, and date employed, mine or department, and date left service.

Commissioner GARRETSON. Oh, I see.

Mr. DALY. That completes our record for a job.

Commissioner GARRETSON. In conjunction with the card, it gives the man's record?

Mr. DALY. Exactly. Every one of those lines will give a man 12 jobs before he would have to be transferred to another page.

Commissioner GARRETSON. That is, you mean he could be employed 12 times in the same department or be employed once in 12 departments?

Mr. DALY. Either way.

Commissioner GARRETSON. Either way?

Mr. DALY. Yes, sir.

Commissioner GARRETSON. Or six times in two departments?

Mr. DALY. He can get as many cards as he can get jobs.

Acting Chairman COMMONS. That is, there is a separate rustling card for each column?

Mr. DALY. Yes, sir; for each line and for each job he must secure a new card. In that connection, with new men who have applied for work who have not worked for the company before, a form of information of previous record of service is obtained. After issuing the card the information is checked up by correspondence. This is the form of letter that is sent out to the parties for whom he claims to have worked. Do you wish to make that a part of the record?

Acting Chairman COMMONS. Yes.

(The blank record referred to was submitted in printed form.)

Acting Chairman COMMONS. You may go on.

Mr. DALY. I was going to read it, if you wanted to hear it; but if you prefer to look at it and examine it, all right.

Commissioner GARRETSON. That provides for the return of the inquiry to you?

Mr. DALY. Precisely.

Acting Chairman COMMONS. It is filled out?

Mr. DALY. Yes.

Acting Chairman COMMONS. The answer is filled in.

Commissioner GARRETSON. It says, "Please reply herein."

Mr. DALY. The purpose of that is having this reply upon the letterhead, that without that a great many replying would not refer to the name, who the man was that was inquired about, and when they replied we wouldn't know who it was that they had replied about—the name of the one we inquired of.

Commissioner GARRETSON. It has developed also that there is another good purpose to be served in that direction, has it not?

Mr. DALY. I do not know of any.

Commissioner GARRETSON. I do not know that it has in your business, but it has in others.

Mr. DALY. I would not see how it could be covered by that.

Commissioner GARRETSON. Well, under the law of some of the States you would probably find that it would have a very serious effect in that direction. It is well to have all your communications on the subject returned.

Mr. DALY. That was not the purpose of this.

Commissioner GARRETSON. Well, that may be, but reference letters are generally.

Mr. DALY. Well, I don't know about that because there are many cases where the letter has not been returned and they will answer upon their own form.

Commissioner GARRETSON. And there have been instances where the failure to return—have you ever known of any instances where the failure to return was hard to get around?

Mr. DALY. No; I have not.

Commissioner GARRETSON. It may not have developed in your business at all.

Mr. DALY. No; there are certain employers who have a very elaborate filing system. Anything that once comes to them is filed, and they never leave it go back. We have numerous instances of where the letter would be filed immediately, and they would answer them on their own forms covering the same information.

Commissioner GARRETSON. I know that is true. I have had occasion to follow references up in my business.

Mr. DALY. Yes.

Commissioner GARRETSON. Where I developed in it not only the information I was looking for but other.

Mr. DALY. Do you wish me to read these or do you wish them filed?

Acting Chairman COMMONS. No. I do not care to read it. That completes your statement?

Mr. DALY. That completes that. I have some of the answers here just for a sample. I would prefer to keep this, because that is our record.

Acting Chairman COMMONS. They are typical answers?

Mr. DALY. Yes. Here is one which says: "Union Lumber Co., Fort Bragg, Cal., dated July 27, 1914. Mr. Harry Ballard, age 25, birth place, Iowa, has made application to this company for employment as miner. He states that he was employed by you as follows: As a craneman, under Mr. Johnson, boss, from December, 1912, to June, 1913. Kindly inform me if this statement is correct. Your reply will be treated confidentially. Yours, very truly, George W. Lentz, superintendent." The answer: "I find that this man was employed here during the time mentioned as a lumber handler and slingman on crane but not as a crane operator."

Here is another one, written to the Gold Tunnel Mining Co., Silverton, Colo.: "Mr. John Ssalonen, age 33, birth place, Finland, has made application to this company for employment as miner. He states that he was employed by you as follows: As a miner at the Highland Mary mine, under Mr. John McClain, boss, from August, 1912, to June, 1913." That is the general trend of all of the replies that come back. If the reply is received the man has not worked there, the reply will say his statement is not correct, don't know him, or something.

Commissioner GARRETSON. Do you ask for the man's record with the company, as a rule, only for the term of his employment?

Mr. DALY. Only as to whether he worked as he has stated; that is all that we ask. The part of the letter which makes inquiry is, "Kindly inform me if this statement is correct."

Commissioner GARRETSON. That is a perfectly legitimate method of inquiry.

Mr. DALY. Yes. Of course I have others, but they are along the same line.

Acting Chairman COMMONS. Your filing system is on this loose leaf; you do not have a system of card filing?

Mr. DALY. No. The record is kept on that form, and then the cards and application are filed in a paper envelope.

Acting Chairman COMMONS. Any questions regarding this? Very much obliged.

Mr. EVANS. I have two deeds you desired, showing the mineral reservation, asked of Mr. Kelley.

Commissioner LENNON. The deeds?

Mr. EVANS. The deeds upon these forms.

(See Kelley Exhibits Nos. 9 and 10.)

Acting Chairman COMMONS. Mr. J. L. Bruce.

TESTIMONY OF MR. J. L. BRUCE.

Acting Chairman COMMONS. Will you kindly give your name?

Mr. BRUCE. J. L. Bruce.

Acting Chairman COMMONS. And your address?

Mr. KELLEY (interrupting). I have here a copy of the medical report.

Acting Chairman COMMONS. Dr. Tuttle's report?

Mr. KELLEY. Yes. And a list of the officers of the Amalgamated Co. I think that is all except some statistical information that is being prepared.

Commissioner GARRETSON. Your Anaconda smelter is this Washoe?
Mr. KELLEY. Yes.
(See Kelley Exhibit No. 8.)
Acting Chairman COMMONS. Mr. Bruce, will you state your business?
Mr. BRUCE. General manager, Butte & Superior Mining Co.
Acting Chairman COMMONS. And your address is Butte?
Mr. BRUCE. Yes.
Acting Chairman COMMONS. Is your company part of the Amalgamated?
Mr. BRUCE. No; it is not.
Acting Chairman COMMONS. Where are your stockholders, mainly?
Mr. BRUCE. The stockholders are quite widely distributed: Boston, New York, Detroit; quite a little stock held in Butte.
Acting Chairman COMMONS. What is your production—copper or zinc?
Mr. BRUCE. Principally zinc, some lead, and a good deal of silver.
Acting Chairman COMMONS. In the mining production much the same as in copper?
Mr. BRUCE. The mining is very similar.
Acting Chairman COMMONS. Similar?
Mr. BRUCE. Yes.
Acting Chairman COMMONS. And the reduction, is that similar?
Mr. BRUCE. Yes; in a general way. It is water concentration. It is followed up by a floatation of concentrates by oil floatation method.
Acting Chairman COMMONS. Is that reduction done here?
Mr. BRUCE. Yes.
Acting Chairman COMMONS. The same as the other?
Mr. BRUCE. It is done at the mine, right close to the mine.
Acting Chairman COMMONS. How long have you been manager of the company?
Mr. BRUCE. About 17 months.
Acting Chairman COMMONS. Have you been employed with them before?
Mr. BRUCE. No, sir.
Acting Chairman COMMONS. How many employees have you?
Mr. BRUCE. Ordinarily about 950.
Acting Chairman COMMONS. Do you have an agrement with the miners' union?
Mr. BRUCE. Yes, sir.
Acting Chairman COMMONS. You have heard what has been said by Mr. Kelley regarding the agreement there, and what has been said by others?
Mr. BRUCE. We have the same agreement.
Acting Chairman COMMONS. The same agreement?
Mr. BRUCE. Yes, sir.
Acting Chairman COMMONS. In all respects?
Mr. BRUCE. I think in every respect. I have never compared them, but I think it is the same thing.
Acting Chairman COMMONS. On the question of removals, that is left to your foreman?
Mr. BRUCE. Discharges, you mean?
Acting Chairman COMMONS. Discharges; yes.
Mr. BRUCE. Formerly the shift bosses discharged the men.
Acting Chairman COMMONS. And if there is any appeal, to whom does it come?
Mr. BRUCE. Well, it may come to their immediate superior officer, or it may come to me; some of them come to me.
Acting Chairman COMMONS. Does it come through the union?
Mr. BRUCE. I do not remember of any instance in which I had a complaint coming through the union.
Acting Chairman COMMONS. The individual appeals directly?
Mr. BRUCE. Yes, sir.
Acting Chairman COMMONS. What are the depths you are working?
Mr. BRUCE. About 1,600 feet.
Acting Chairman COMMINS. What is the capitalization of your company?
Mr. BRUCE. Three hundred and fifty thousand shares of the par value of $10.
Acting Chairman COMMONS. In general, what has been said by witness regarding the Anaconda Co. would apply to this, would it not—wages, hours, agreements, methods of handling their labor?
Mr. BRUCE. Those things are all practically the same.
Acting Chairman COMMONS. Governed by contracts of similar tenor?

Mr. BRUCE. Yes.

Acting Chairman COMMONS. And adopted, one in 1907 and one in 1912?

Mr. BRUCE. I don't know whether our company made any contract in 1907. Ours is one of the younger companies here. They were just commencing operations about that time.

Acting Chairman COMMONS. I believe that is satisfactory.

Commissioner GARRETSON. Just one question: In general you recognize the Anaconda as the wage fixing agency in the district in conjunction with the unions?

Mr. BRUCE. Yes.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Mr. Maury.

TESTIMONY OF MR. LOWNDES MAURY.

Acting Chairman COMMONS. Give your name, please.

Mr. MAURY. Lowndes Maury.

Acting Chairman COMMONS. What is your business, Mr. Maury?

Mr. MAURY. I am an attorney at law.

Acting Chairman COMMONS. What is your practice, mainly?

Mr. MAURY. Why, my practice has been very varied. I have been city attorney of the city of Butte; I have worked for the Montana Power Co.; I have been an apprentice in an office that worked for the Clarkes and for the Heinzes. I have prosecuted personal-injury suits; I have defended them. I have been engaged in mining suits, almost every variety of practice except in criminal practice, in the last eight or nine years.

Acting Chairman COMMONS. How long have you been engaged in personal-injury suits?

Mr. MAURY. Oh, I think the first personal-injury suits in which I had any success was eight or nine years ago.

Acting Chairman COMMONS. About how many cases have you handled?

Mr. MAURY. It is impossible for me to say, sir. I think I have handled—my firm has handled as many as 100 a year.

Acting Chairman COMMONS. On which side has your firm usually been?

Mr. MAURY. Both sides. More often for the plaintiff.

Acting Chairman COMMONS. What proportion would you say?

Mr. MAURY. When I was city attorney for two years, more often for the defendant, other times more often for the plaintiff. Probably eight-tenths before I was city attorney for the plaintiff, probably the same proportion for the defendant when I was city attorney. That is an estimate only.

Acting Chairman COMMONS. Is it your idea that a workmen's compensation law would be preferable to the existing system of personal-injury service?

Mr. MAURY. Yes, sir; between master and servant, very preferable.

Acting Chairman COMMONS. How would it affect the business of attorneys, as yourself?

Mr. MAURY. It would put them out of business a year or so after it got to be thoroughly understood.

Acting Chairman COMMONS. You think that would be a desirable end to accomplish?

Mr. MAURY. I do, sir; in that line of work for the men, for the people at large, but of course not for the attorneys.

Acting Chairman COMMONS. How many attorneys in this town are similarly engaged in this personal-injury work?

Mr. MAURY. For the plaintiff?

Acting Chairman COMMONS. Yes; for the plaintiff.

Mr. MAURY. For the plaintiff, not more than 8 or 10 of any large practice. I am including firms by that.

Acting Chairman COMMONS. Are you able to state the number of cases each year by all the firms, or give some idea?

Mr. MAURY. I should say three a week are probably commenced.

Acting Chairman COMMONS. And those are mainly against what companies?

Mr. MAURY. They are against all companies, commenced against all companies, tried against some companies.

Commissioner O'CONNELL. Just what do you mean by that—commenced against all companies and tried against some companies?

Mr. MAURY. There was very rarely a trial against the Anaconda Co. and its associates.

Commissioner GARRETSON. They settled after notice of action was filed; is that the explanation?

Mr. MAURY. They settled, usually, immediately before trial.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. How do the liability or the personal injury lawyers secure their clients?

Mr. MAURY. I know that some of them seek their clients. For my part, I have never sought the work of any man, woman, child, or corporation.

Acting Chairman COMMONS. Are there professional ambulance chasers?

Mr. MAURY. Yes, sir; both for the companies and for the persons injured.

Commissioner O'CONNELL. For the companies to secure settlements?

Mr. MAURY. Yes, sir; and for the companies to get statements from the men when they are in the hospital as to how the accident occurred, and for other reasons.

Commissioner O'CONNELL. When judgments are given by the courts, usually to what amounts or in what amounts?

Mr. MAURY. Are the verdicts?

Commissioner O'CONNELL. Yes.

Mr. MAURY. And judgments?

Commissioner O'CONNELL. Yes.

Mr. MAURY. I have obtained verdicts as high as $25,000, though none for $25,000 has ever been affirmed. There have been affirmances in my firm, myself, as high as $20,000—$21,000, I think—no; $20,000 was the highest. The one I had in mind for $21,000 was settled before final argument in Supreme Court.

Commissioner O'CONNELL. Where settlements are made after cases are filed, how are they usually settled—on what percentage of claims?

Mr. MAURY. Why, that would convey no idea. Suits are brought for fantastic amounts, and that would convey no idea. I have known of suits for $50,000 being settled for $500, and suits for $20,000 being settled for $14,000. It would convey no idea. That is merely dependent on the whim of the lawyer bringing the suit.

Commissioner GARRETSON. Does the amount that is paid in settlement in these settlements immediately preceding the trial, as a general rule, exceed the amount that the plaintiff could have secured before going to trial?

Mr. MAURY. No, sir.

Commissioner GARRETSON. It does not?

Mr. MAURY. No, sir.

Commissionr O'CONNELL. What is usually the basis upon which these attorneys take these cases?

Mr. MAURY. Well, cases against some companies—I can only speak of my own firm—cases against some companies, where it may not go forward to a successful trial, or there is a reasonable chance of it—it does not go to successful trial—we have two rates, one-half and one-third. One-third if the client advances the costs. Against the A. C. M. Co. I never make a contract. The rate is variable. I usually, when it is settled up just before trial, charge something like 10, 15 per cent; but because the client is notified in advance that there can be no recovery except on a settlement, that it is impossible to win against them.

Commissioner O'CONNELL. Has there never been a case tried against this company in which a verdict has been rendered?

Mr. MAURY. In Silver Bow County, not in seven years, where it has been finally affirmed either against the Anaconda mine nor against the North Butte Mining Co., is my study of the statistics and of the court records. Of course, I have not examined all of the court records.

Commissioner LENNON. Is that true of cases tried by jury as well as those heard only by the court?

Mr. MAURY. It is true as to both classes of cases. There can be no recovery against that company in Silver Bow County.

Commissioner O'CONNELL. To what do you attribute that situation?

Mr. MAURY. I attribute it to the situation, political and economic, which has existed for many years and has been constantly growing in intensity.

Commissioner O'CONNELL. Would you indicate by that that these companies were in a position to influence the court?

Mr. MAURY. Yes, sir.

Commissioner O'CONNELL. And juries?

Mr. MAURY. Yes, sir; and companies and attorneys.

Commissioner O'CONNELL. Well, it is pretty hard to beat that game.

Mr. MAURY. That is the situation.

Commissioner GARRETSON. Mr. Chairman, I shall be glad, if the witness has no objection, to hear him state, if he will, how those influences are exerted or how they work.

Mr. MAURY. I can give sporadic instances; be willing to do so. Of course all of the instances I can give must have the connection to know them, Mr. Commissioner.

Commissioner GARRETSON. I shall be very glad indeed to hear that.

Mr. MAURY. Going back for a period of 15 to 18 years, largesses to the judiciary, and as long as 16 or 17 years ago when one particular justice of the supreme court when off the supreme bench he went into the employment of the Boston & Montana Co., now one of the companies composing or merged into the Anaconda Copper Mining Co. Later than that, when a judge was appointed to the district bench here, a day or so after he was appointed, why, there had been an old fee allowed of $5,000 in a receivership case, and the Boston & Montana Co. was appealing from that fee. A day or so after he was appointed to the bench here the fee was paid him in cash. One of the judges on the district bench here was sued for separate maintenance by his wife. A great many of the attorneys for the Anaconda Co. and of the Boston & Montana Co. entered their appearance in his defense. A year or so ago a justice retired from the supreme bench of Montana. He was taken into the employ of one of the street railway companies in Helena on a salary. That is one way in which largesses have been paid and bestowed by the company on the judiciary. There are other ways—employment after they leave the bench. That has not been confined to the Anaconda Copper Mining Co. at all, but it was carried on by the Heinze interests before they started what is called the copper war here.

In the early days of that copper war here one attorney was said to be employed because he had been a partner of a Federal judge before the Federal judge was appointed, and that is the way that—generally the way in which the influence is exerted on the judiciary, leaving out the political support at the elections. Of course the present judiciary was supported at the elections politically by the employees of the Anaconda Copper Mining Co. and the old companies that were merged into this company. The way the juries are influenced here in the Federal court—the influence is caught at the fountain head right now. The Federal jury commissioner, Mr. Brophy, is a man of high ideals, but a political and economic fanatic. He fixes with the clerk of the Federal court the jurors that serve in that court; goes through the city directory and picks out the acceptable and leaves out the unacceptable, and in that way that is controlled right at the fountain head. In the district court here, the State court here, there is a little different method. In watching the drawings of jurors here in this district court, where it is supposed to be by lot from all the 4,000 or more taxpayers of the county, why, you will see come out of the box names that are acceptable duplicated. That has happened right here in this court room. The acceptable will be more often, and the same name will be repeated in the jury box and somtimes be drawn out twice in the same day. The influence that is exerted in the courts when the jurors are actually on trial after they have been hand sorted is more apparent than any other way.

When there is a case against a mining company you will notice the great solidarity of capital and corporations here. You will notice that the case is against the Butte & Alec Scott Co., which is a very small company—you will notice shift bosses from the Butte & Superior or other head servants of the Butte & Superior—if there is a Butte & Superior man on the jury—come here about some immaterial expert matter, and they will qualify as experts and demonstrate that they want one kind of a verdict from that jury. And you will find witnesses—if there are Anaconda men on the jury and the case is against the Butte & Alec Scott Co.—you will find witnesses from the Anaconda Copper Co.'s mines on the most trivial expert questions, and you will see them load them with 9 or 10 witnesses on a little expert question, and sometimes their testimony will be to the ordinary man absolutely false. I have heard nine of them in succession—shift bosses—upon this witness stand in this court room not two months ago go on and swear that 60 per cent nitroglycerin powder was not more dangerous than 40 per cent, and simply for the purpose of influencing the juries and controlling the verdicts.

There are other ways in which those verdicts are controlled. It will be whispered around during the trial that the company has offered so much and no verdict will ever exceed that so much, if that has been the amount offered

in compromise, that will be whispered around. In this particular case that I think of where these nine witnesses followed each other one after the other to prove that 60 per cent nitroglycerin dynamite was not any more dangerous than 40 per cent nitroglycerin dynamite—why, I was told by one of the jurors who heard before the verdict that the company offered that man $5,000, and though he had lost both eyes and one hand in the accident, and in which they found in his favor, the verdict was $5,000. And you hear similar stories all through the trial, and those whisperings speak with the voice of the prophet, you know what is coming.

Commissioner O'CONNELL. You say—Mr. Brophy, I think it was.

Mr. MAURY. Jury commissioner.

Commissioner O'CONNELL. Is a political fanatic, you said.

Mr. MAURY. Why, yes, sir.

Commissioner O'CONNELL. What particular species of politics does Mr. Brophy follow?

Mr. MAURY. Democrat.

Commissioner GARRETSON. That is the first thing you have said, Mr. Maury, that went below the belt.

Mr. MAURY. A Democrat, sir; I say that Mr. Brophy——

Commissioner O'CONNELL. Is that character pretty general with the Democrats in this locality?

Mr. MAURY. In this section; yes, sir. Mr. Brophy was foreman of the jury, or was on the jury, anyway, in the case of Leary *v.* A. C. M.—that is, Anaconda Copper Mining Co. That is about—well, the Leary case, he was on the second jury—that was when the jury decided against Leary. On the first jury he wasn't on there was a verdict against the company. That was seven years ago at least. That was the last verdict against the company; and on the second trial of the case the supreme court reversed it and sent it back for a new trial. On the second trial of the case Mr. Brophy was foreman—was on the jury in the State court and decided against Leary. And after that decision he was retained as jury commissioner. He is a holder of copper interests himself—interested in the Butte Range Copper Co.—and he has sold copper lands to the North Butte Copper Co., receiving large amounts of money. And Mr. Brophy in his own mind is a high-class, intelligent gentleman, but a fanatic.

Commissioner GARRETSON. I would understand from that statement as to his eligibility for jury commissioner that applicants for official position here have to have a rustling card?

Mr. MURPHY. Why, applicants for official position here, I don't know. I have been an applicant for official position, and my rustling card was a membership in the Socialists.

Commissioner O'CONNELL. Just let me ask this question about the jurors: Are there a number of so-called professional jurors, who are around all the time ready to be drawn and serve in these jury cases?

Mr. MAURY. That was noticeable a year and a half or two years ago. We have a provision that a man can serve only once in a year—a calendar year, that is. About half of the jurors that were serving in this department, which was then in another building—this courthouse hadn't been completed then—showed up in December, about half of them were serving in January in another department. But really they were not a bad class of jurors; they were men who were beyond the desire for jobs. They were old stiffs, and they were a pretty good class of men, because they had passed beyond the age where——

Commissioner O'CONNELL. They could use employment; that is beyond the age of assimilation in this atmosphere.

Mr. MAURY. Yes; yes, sir. To a large extent there were no trials against the A. C. M. Co. at that time, as I remember. There might have been one or two, but if there were they were unsuccessful.

Acting Chairman COMMONS. Have you any other point to make?

Mr. MAURY. I was speaking of political qualifications to hold office—I notice one remark of the governor this morning, if I understood the governor, and my hearing is not of the best—the governor said that there has been prosecutions for breaches of the safety appliance act. I was sitting back in the back part of the room. There has never been but one in Silver Bow County. There have been men killed time without number for failure to put the gates on as required by law—there has never been but one prosecution, and that was many years ago soon after the law was passed, and for the purpose of getting it declared unconstitutional.

Acting Chairman COMMONS. Are you familiar with the coroner's inquests?

Mr. MAURY. Yes, sir.

Acting Chairman COMMONS. Coroner's courts?

Mr. MAURY. Yes, sir; I have attended a great many of them, and I knew the personnel of the juries and the universal verdict.

Commissioner O'CONNELL. That is, the universal verdict is——

Mr. MAURY. Is that the man came to his death by touching an electric wire or by a rock falling on him, or by—just the physical facts. They never go into the negligence of the concern for whom he works. I venture to say that of the 40 or 50 coroner's verdicts a year in the last 10 years of mining casualties there has never been a single solitary one in which any blame was laid on the master. I only gain my information from through having been to those trials or coroner's inquests, and from newspapers' accounts. I have been there representing the master; I have been there representing the servant.

Acting Chairman COMMONS. Any other question?

Commissioner GARRETSON. No.

Acting Chairman COMMONS. That will do, Mr. Maury. Much obliged to you. Call Mr. Evans, representing the company.

TESTIMONY OF MR. L. O. EVANS.

Acting Chairman COMMONS. Give your name, please.

Mr. EVANS. L. O. Evans.

Acting Chairman COMMONS. What is your position?

Mr. EVANS. I am chief counsel for the Anaconda Copper Mining Co.

Acting Chairman COMMONS. How long have you been counsel?

Mr. EVANS. Well, I have been counsel for the company, one of the companies, retained and employed by the company, the Anaconda Co., since 1901. I was employed by subsidiary companies to the Amalgamated, which were afterwards merged into the Anaconda Co., prior to that time and from the latter part of 1895.

Acting Chairman COMMONS. Have you had charge of the personal-injury cases of the company?

Mr. EVANS. Well, since I have been chief counsel I have had charge of them, and I have been familiar with them all through; I think all through that period. I have been familiar with all the legal business of the company, and in a large measure familiar with the business affairs of the company, too, from the fact that I have been familiar with most of the important operations of the company.

Acting Chairman COMMONS. Who has defended those cases?

Mr. EVANS. I have, a number of them that have been tried, and in the settlements I have had a great deal to do with them.

Acting Chairman COMMONS. What?

Mr. EVANS. In the settlements and negotiations for settlements and in the actual trials, I have been. I have been in most of the trials and in the settlements. I have had to do and have known of most all of them, I think. The matters that Mr. Maury spoke of, I think I am particularly familiar with them. I have investigated the facts back and forth. I have been in court proceedings where these charges were made by Mr. Maury, and I think am fully familiar with all the facts that go to enter into them.

Acting Chairman COMMONS. What is the position of Mr. Madden with reference to your men?

Mr. EVANS. Mr. Madden is the claim agent; he takes up any case of any difficulty; the question of liability or matters of that kind he takes up with us.

Acting Chairman COMMONS. Who makes the settlements?

Mr. EVANS. He makes the settlements, and it was the practice to allow the men, to pay them something, to try and reach some satisfactory settlement in almost every case. But, of course, in the more serious cases, the question of possible liability of the company, where that enters in, particularly on the questions of legal liability, he takes it up with the attorney.

Acting Chairman COMMONS. Does Mr. Madden act under your advice?

Mr. EVANS. Yes, sir.

Acting Chairman COMMONS. Your legal advice?

Mr. EVANS. Yes, sir.

Acting Chairman COMMONS. Do you ever aim to secure a release from all employees who have had accidents?

Mr. EVANS. Where there is a settlement.

Acting Chairman COMMONS. Where a settlement is made?

Mr. EVANS. Yes; certainly.

Acting Chairman COMMONS. In all cases?

Mr. EVANS. Yes, sir; all cases. All cases where settlements are made we take releases, complete releases; that is, complete as we can make them.

Acting Chairman COMMONS. What are the lowest settlements that have been made—the lowest amount that has been paid in a settlement?

Mr. EVANS. Oh, we have had men come in with two or three days—as a rule not much attention is paid to as slight an injury as that, but, I think, oh, twenty-five or thirty dollars, I think, where there is a question of a few days, something of that kind, and the man has gone back to work.

Acting Chairman COMMONS. The lowest settlement, then, is twenty-five or thirty dollars?

Mr. EVANS. I think so.

Acting Chairman COMMONS. What has been the highest settlement made?

Mr. EVANS. If the commission please, I would be glad to submit the figures to the commission, but we have some particular objection to making these figures public. I will be very glad to give all the figures to the commission before you leave—anything that you desire in that line.

Acting Chairman COMMONS. You have heard the statement of Mr. Maury?

Mr. EVANS. Yes, sir.

Acting Chairman COMMONS. Regarding politics?

Mr. EVANS. Yes, sir.

Acting Chairman COMMONS. The judges?

Mr. EVANS. Yes.

Acting Chairman COMMONS. The jurors?

Mr. EVANS. Yes.

Acting Chairman COMMONS. The coroners?

Mr. EVANS. Yes.

Acting Chairman COMMONS. What have you to say with regard to that?

Mr. EVANS. Well, I have heard it, it is not novel at all; I have heard a good deal the same statement from Mr. Maury a number of times. He varies it a little bit, some new idea occurs to him. Why, there is absolutely no foundation for it. Now, as shown by [laughter]——

Acting Chairman COMMONS. The audience will be quiet.

Mr. EVANS (continuing). Statistics, of course this commission isn't expected to try out this question upon the evidence produced. If it desires to do so, we would be very glad to go into it fully, but the situation is more or less this:

Now, first the charges as to the judges. I am not going to defend the judges of Silver Bow County, either the State or the Federal judges. Their reputations are well known here. The commission can get that from any reputable citizen. The charge in detail that I remember, Mr. Maury suggested the way of influencing the present judges by employing other judges as they left the bench. I think that started with a supreme court justice, Judge De Witt, I think he referred to, who has been dead a number of years. Judge De Witt was an attorney practicing in Butte here, employed by the different mining interests here, and went from here to the supreme court as one of our supreme court justices, and his record, the Montana reports will show the record that he made there. He came back here to practice, opened up an office, and was in general practice before he was employed by the corporations, something like a year, I think six months. He officed in the same building that my partner and myself were in the Silver Bow block. It was right at the time of the Heinze fight, Heinze-Amalgamated fight, which was getting right about its height then, and it was absolutely necessary to have other counsel, and able counsel, and Judge De Witt was employed, and he gave at least a dollar's worth of service—I think several dollars' worth of service for every dollar he was paid. He was an awfully hard working lawyer, and simply practiced law legitimately for the company. Now, I thing that is the history of the first case that Mr. Maury refers to.

I didn't catch the second, I was called aside here. I wish somebody would tell me about the second.

Mr. KELLEY. The fee that was paid in cash the day after the first one was appointed judge, I think.

Mr. EVANS. After who?

Mr. KELLEY. I didn't get it; I am not familiar with it myself.

Commissioner O'CONNELL. It was regarding the payment of the amount of $5,000 that had been hanging fire in some case and was paid.

Commissioner GARRETSON. Receiver's fees.

Commissioner O'CONNELL. Yes; a receiver's fee.

Commissioner GARRETSON. In the Butte and Montana case, a receivership case here was being adjusted in court, and that within a certain period after his designation as judge it was paid in cash by the same company that was contesting it.

Mr. EVANS. Well, I don't know what that referred to, what the details were. In the Boston & Montana litigation or receivership the firm of—I am not sure Mr. Maury was a partner of Judge Pemberton—they got a fee. I am not sure Mr. Maury was in as a partner at the time that the service was rendered for which the fee was paid. I do not think that would refer to Judge Pemberton. Judge Pemberton had been on the supreme bench, and came here and was employed by this receiver. It was a hostile receivership to the Boston & Montana Co., and of course Judge Pemberton's employment could not be attributed to that company.

Judge McClernan, who is now on the district bench, was also attorney for the receiver. There was reference to him. But how it was paid and when it was paid, I don't know. He was attorney for the receiver and rendered service, and there was bound to be payment by the company. I don't know just about that detail.

Commissioner GARRETSON. In regard to his allegations, as he phrased it, of largess.

Mr. EVANS. Yes; of largess.

Commissioner GARRETSON. For judicial actions only, are the facts—leaving inferences aside, are the facts in the individual cases named by Mr. Maury, as he stated them—that is, were those employments given in the cases named?

Mr. EVANS. Well, I have taken them up and I was telling the actual facts, as I had endeavored to do.

Commissioner GARRETSON. Well, as far as you have covered it, your facts and his agree.

Mr. EVANS. Well, except that——

Commissioner GARRETSON. But your inferences do not?

Mr. EVANS. Well, my facts are much fuller. Now, as to Judge De Witt, the supreme court justice. He was employed here in Butte. He was a mining lawyer and employed, and he went to the supreme court and came back.

Commissioner GARRETSON. Let me ask you one question on a term you used. You said able counsel in that case was needed?

Mr. EVANS. Yes; very much.

Commissioner GARRETSON. Is there a difference between able counsel and influential counsel?

Mr. EVANS. Well, I think—no; I don't—I had no—made no distinction; almost any able counsel has more or less influence, of course. And Judge De Witt had retired from the bench; his term had expired some six months or a year before the employment was had.

I don't know of any attorney, and I remember we were canvassing for assistance here—I don't know of any attorney in this section that was competent for the service that Judge De Witt was employed for; I mean mining attorney of ability, who could be employed to step into that litigation.

Commissioner GARRETSON. What made me ask that question as between able and influential, I have had in court myself in the same case two lawyers hired.

Mr. EVANS. Yes.

Commissioner GARRETSON. One for what he knows, and one for what he could do.

Acting Chairman COMMONS. Now, the other instance.

Mr. EVANS. Yes; the other. Mr. Maury referred to a separate maintenance suit being brought against a district judge, and the counsel for the company—he was a little vague about it—entered their appearance for him. Now, I am positive there has been no such occurrence of that kind. One of our district judges had some difficulty, I think it was either a maintenance suit brought by his wife, but if any counsel for our companies appeared for him or took any part in it, I knew nothing about it. I am sure it didn't occur.

Commissioner GARRETSON. Will the records disclose whether it did or not?

Mr. EVANS. Yes; the record will disclose who the counsel were. All I know about that proceeding, at the time we had a local bar association here that was active at intervals—it was spasmodically active. Charges were filed in the bar association based upon the same things. Two of the lawyers for the wife presented charges in the bar association. I was appointed on a committee to—no; the judge himself presented the matter to the bar association and

wanted an investigation. I was appointed one of—I was on the standing grievance committee, I think, or the committee that covered that—I have forgotten whether that was the title of it or not. I was one of five on that committee.

Commissioner GARRETSON. I didn't know that anything but a labor organization had a grievance committee.

Mr. EVANS. Oh, yes; attorneys have more grievances than anybody.

I was appointed on a committee to investigate this matter, so the committee called upon the judge. It had been laid by him before the committee, and we asked for any statement that he had as to the facts in the matter, and he said he declined to make any, that whatever charges his wife—statements she chose to make—that he didn't propose to enter into it at all. In fact, he took a very high moral position about it, and he didn't leave the committee anything to do, and that was the end of it. Now, as far as appearing in court, I am quite positive that no attorney for our company appeared in it or took part in it.

Commissioner GARRETSON. Well, that should be capable of proof.

Mr. EVANS. Yes, certainly. Now, the other, the only other—I don't know what Mr. Maury means by a supreme court justice going into the employ of a street car company at Helena. Our companies—I can think of no concerns that they are affiliated with that I know of that have any interest whatsoever in the Helena Street Railway Co.

Commissioner GARRETSON. No; but bear in mind Mr. Maury distinctly and specifically stated that his charges in those directions were not wholly against the Anaconda Co., but against corporations in general.

Mr. EVANS. Well, did you understand that they extend to all the others in the State?

Commissioner GARRETSON. As far as that is concerned, I don't know how far he intended to extend it. At the same time, I don't know whether—I am only speaking from my own understanding—it applied specifically to Silver Bow County and State officials, and I didn't hear any explanation about other counties.

Mr. EVANS. Yes; I thought there must be some attempt to connect the corporations of Silver Bow County or something.

Commissioner GARRETSON. No; he connected, I think, corporations in general.

Mr. EVANS. Oh.

Commissioner GARRETSON. Standing shoulder to shoulder.

Mr. EVANS. Well, as far as that is concerned, I think that most of the attorneys who reach the point of where they are selected as supreme court justices, either before they are on the bench or afterwards, they are pretty apt to accept employment by corporations. As a rule, they are looking for that class of lawyers. And, if you are going to extend it to corporations all over the State, all over the country, I don't suppose that there is a man who ever reached a high judicial position on the bench who didn't have the opportunity either before or afterwards, and most of them have accepted it, to enter into corporate employ as lawyers. It is the most desirable employment, as a rule it is the most lucrative employment, and as a rule they are usually looking for lawyers who at least have ability enough to go upon the district and supreme benches.

Commissioner LENNON. Does the record show that Mr. Maury ever appeared for any corporations in the courts in this district?

Mr. EVANS. Of this district?

Commissioner LENNON. Yes; about here.

Mr. EVANS. Yes; Mr. Maury, I think, has appeared a few times for the Montana Power Co. He was employed for awhile. That employment has been terminated. But his main corporation employment, I think, that he refers to, was while he was city attorney of the city of Butte two years under the Socialist administration, I think his practice has been, in the main, the personal-injury practice.

Now, I should very much have liked Mr. Maury to have extended his denial about the soliciting of personal-injury cases, not alone to himself but to his partners. Now, as to the other matter, I want to present this briefly. I don't want to take any more of the commission's time—but as to the charge that justice can not be had in Silver Bow County. If any reason is given by Mr. Maury about this general corporation influence and the domination and control of the jurors or anything of that kind, I want to say that we have broad change of venue laws. They provide for a change of venue to other counties upon a showing of any of these facts that Mr. Maury has attempted to detail

here. Mr. Maury has never made an application in this court for a change of venue upon any of those grounds. He would be entitled to it. If he didn't secure it from the district judge, it is a matter that is capable of revision in the Supreme Court. Now, as to judges, if Mr. Maury considers, as he stated here openly before this court, that the judges are judges—and we have three different judges in Silver Bow County in the State court—are dominated by anybody so that justice can not be obtained before them, and I think that will be a shock to every reputable man in this county to hear that statement, that is, if it is a fact under our law. We have a peculiar law known as the disqualification of judge law. A man can disqualify, any litigant can disqualify any judge, district judge, by simply filing an affidavit stating that he has reason to believe, and does believe, that he can not obtain a fair and impartial trial before that judge.

No facts are required or no trial. That in itself disqualifies the judge. Now, we have three in Silver Bow County, three district judges. A man is allowed to file two of these, any litigant. When he has filed two, then the case must go to a judge from an outside county, so that in this county simply by the filing of this formal affidavit Mr. Maury or any of his clients can procure a hearing before a judge from an outside county. Now, that is the situation, so that if he desired to present this matter, which should be a matter of judicial injury in the district court, he is not required to present it to any of our local judges. Now, as to the State court, he never has filed application. What he has done in advertising himself and his personal-injury business in this county is to get up in his Socialist meetings, get up in the street and other places and make these charges and then fail to support them or to take them to the proper place. Now, as to the Federal court, Mr. Maury has appeared in a number of cases in the Federal court, personal-injury cases. He has four there now pending that he is interested in. He brought a case some years ago. Our Federal court sits—it is divided—the court sits now in a number of cities in the State—Butte, Helena, Billings, Missoula, and Great Falls. It was divided into divisions, and at the time I speak of it was divided into two divisions, the southern and the northern. Butte was the court seat of the southern and Helena of the northern.

The statute provided that cases arising in the several counties composing the southern district should be filed at Butte and cases in the other should be filed at Helena. Provision was made for a judge to go from one to the other by the court at its discretion at any time whenever the ends of justice or a reason that appealed to the court decided. Besides that—that is the condition now—but besides that, the court rules provide for a change from one place to another, and has been the same as provided in our local State statutes upon change of venue to cover any of these grounds that Mr. Maury suggested. Now, the Federal court, Judge Hunt sitting there some four or five years ago, the first time any of these applications were heard of in open court, Mr. Maury filed a personal-injury case at Helena instead of filing it here. It arose here. Instead of filing it here as the rule contemplated, he filed it at Helena. So the defendant company, the Boston & Montana Co. it was at that time, filed an application at Helena for a change of the place for trial. Mr. Maury resisted that upon the ground that he has given here, that he could not obtain a fair trial before a jury in Silver Bow County. A full hearing was had, affidavits of all the prominent citizens here—not all, but a representative number of prominent citizens of every class, attorneys, doctors, bankers, the officers of our local commercial organizations, officials—everybody that you could think of that would be representative, were presented there, showing that there was absolutely no merit in the contention. Mr. Maury had his own affidavit, I think, and one of his litigants and one or two more, a few more to the contrary.

The matter was all thrashed out before Judge Hunt, who is now the circuit judge of the United States, stationed or assigned to Philadelphia, and Judge Hunt granted the motion, ruling flatly against Mr. Maury's contention.

Now, Judge Hunt had lived ever since his boyhood in Montana. He came here as a young lawyer; he had been on the State bench; he had been on the State district bench, the State supreme bench, and was appointed by President Roosevelt governor of Porto Rico. He was absent for two or three years and came back here and was appointed to our United States court sitting at this time.

Now, that is the first application, and I have a copy of the order in my pocket of Judge Hunt granting the application to bring that case to Butte, ruling

against Mr. Maury's contention, where he had full opportunity to present all of the proof that he could of these sensational charges that you gentlemen have heard to-day.

Now, the second time it came up was here within the last three months. Mr. Maury made the same application in four personal-injury cases in the Federal court here. That was thrashed out, a full hearing had, affidavits taken there, and affidavits produced, a great number of them, and Judge Bourquin, after taking the matter under advisement for a while—a short time, when he reached the matter, decided—made his written order finding against Mr. Maury and his affidavits, and then referring to the fact that both parties had referred to the personal knowledge of the judge as a resident of Silver Bow County, and then gave his views and opinions from his observations as a resident of this county for 20 or more years, finding that there was absolutely no justification for the charge.

Now, I wish, if the commission have no objection, I would like very much to present copies of these orders for a part of your record, these judicial determinations.

Acting Chairman COMMONS. They may be presented.

(See Evans Exhibits Nos. 1 and 2.)

Mr. EVANS. Now, the judge—I wish to state this: I don't want to be understood or say anything in addition, eulogizing him or anything, but simply because the record of Judge Bourquin, of the Federal court, in this matter, I think, ought to be known. He worked in the mines before I ever heard of him, studied law, educated himself, and was appointed either register or receiver of the land office at Helena. He was a resident of Butte. He was a Republican. He was appointed, it must have been, by President Harrison away back, 20 or more years ago.

After his return from there, he came back to Butte and practiced law for a number of years, and then was elected to the district bench and served four years upon our State bench here. He was defeated for reelection by a Democrat, and then practiced law here for a number of years, and then was appointed to the Federal bench, upon the resignation of the then judge, by President Taft.

Mr. Maury was one of his indorsers for the position upon the Federal bench, as I am informed that he wrote a very eulogistic letter to the President, commending him for that position. I think he was supported by the bar generally. But his knowledge of conditions in Silver Bow County runs back a much longer time than my own, more than 20 years; and he was the judge who passed upon this application after a full hearing. The evidence was all presented, the matter argued, briefs filed. Mr. Maury filed two briefs and rendered the decision that I wish to make a part of the record. I have the orders, both of Judge Bourquin and Judge Hunt.

Now, I wish to say this, that any man here—I am perfectly familiar with this matter, of course, when these charges have been made I have been handling them for these companies. I would go out to the citizens of Butte and talk with them about this matter in order to obtain their affidavits, going to the representative men here, the bankers and men that have no connection with them in any possible way, the men—if we have any men in Silver Bow County at all who are men who are not dominated and controlled, why, they are the men whom we would select and who would be free from these influences. We would go to those men without hesitation. They state the facts just as I have given them to you, and these have all been matters of court records; I mean, the affidavits upon these two hearings that I speak of.

Commissioner O'CONNELL. Just briefly, something about this charge of general influence over the courts and the jurors, and the implication of the coroner, and the implication of the coroner's juries and everybody, for instance, were either under the influence of somebody or corrupt themselves.

Mr. EVANS. Well, there is absolutely no foundation for it. Now, our feeling, for instance, that the courts—I feel that in going into these courts, and I think we meet the usual—I think we meet the experience that every corporation has with juries. I think we meet a willingness on the part of the courts to give us the laboring oar a little bit because we are large. I think it is a natural thing for a judge to feel that if anybody is going to be given a little more of the burden of it, these corporations should do it, and that there has been absolutely no leaning of any kind. Now, as to juries, I think we have the same experience, when you come to them.

Commissioner GARRETSON. Before you come to the juries, let me ask you a question in regard to these court records, the court decisions on this point that you are introducing?

Mr. EVANS. Yes.

Commissioner GARRETSON. I mean, as to their value and as to their effect on the question that is raised. I am putting this question to you as a lawyer.

Mr. EVANS. Yes, sir.

Commissioner GARRETSON. And if the charges made are well founded that the corporations have their hand on the judiciary, then the finding of a court in accordance with the lines named would have no value as evidence. On the other hand——

Mr. EVANS. Well——

Commissioner GARRETSON. Wait; let me put the other side of it.

Mr. EVANS. Yes.

Commissioner GARRETSON. On the other hand, if the condition did not exist, and the entire charge was false, then it would be valuable as evidence.

Mr. EVANS. Certainly.

Commissioner GARRETSON. Have I stated it correctly?

Mr. EVANS. Why, certainly. I have given you the decisions of two Federal judges appointed for life—been given after full hearing. Now, if these two men—Judge Hunt, a man whom, perhaps, many of the commission know, and Judge Bourquin—are corrupt or influenced, as Mr. Maury charges, why, of course, their decisions are valueless.

Commissioner GARRETSON. Then they prove the other man's contention?

Mr. EVANS. Certainly, certainly; and uphold Mr. Maury's contention. This commission must necessarily find that these two Federal judges were corrupt, because they had the evidence and they both of them know the local conditions.

Commissioner GARRETSON. Don't even get an inference that this commission is going to pass a verdict.

Mr. EVANS. No.

Commissioner GARRETSON. On that.

Mr. EVANS. I haven't any.

Commissioner GARRETSON. As a personal question.

Mr. EVANS. I haven't the slightest idea that the——

Acting Chairman COMMONS. Now, Mr.——

Mr. EVANS. Now, as to the State court, the point I make is this, that Mr. Maury has never made an effort in the State court to have this matter judicially determined, and he would not have to stop with our local judges; he would get outside judges to determine it. He would not stop with them because he would appeal to our supreme court, so that to sustain Mr. Maury's contention on that, this commission has not alone got to impeach our two Federal judges, but you have got to impeach our whole body of men on the supreme court down, you have got to impeach every reputable citizen of Silver Bow County who has made these affidavits—you have got to show that men in Silver Bow County are not men.

Commissioner O'CONNELL. Did I understand you to say, Mr. Evans, that your bar association is not in existence here now?

Mr. EVANS. Well, I say it is active spasmodically.

Commissioner O'CONNELL. How is it now; is it healthy now?

Mr. EVANS. Well, there has not been a meeting for some time; I think it is a little dormant.

Commissioner O'CONNELL. I want to ask you a couple of questions; you need not answer them if you don't want to.

Mr. EVANS. I will answer them.

Commissioner O'CONNELL. Are you a member of it?

Mr. EVANS. Yes.

Commissioner O'CONNELL. Is Mr. Maury a member of it?

Mr. EVANS. Yes; I presume he is. He was the last I knew. Mr. Maury and I have both been at different times president of the thing.

Acting Chairman COMMONS. Do you agree with Mr. Maury—you disagree with him evidently—but do you agree with him on the proposition that it would be preferable to have a compensation law that would eliminate all of these questions?

Mr. EVANS. Very much.

Acting Chairman COMMONS. Personal injury cases.

Mr. EVANS. Very much so. I think that a proper compensation law, a compensation law on the theory of your Wisconsin law, a compensation law with

fair return to the men and upon some fixed definite basis, where an employer can to-day or this year know how much his accidents are costing him, and not have it accumulated and be paying for the accidents that were caused by corporations 20 years ago, or somebody that went out of business yesterday. I think any fair compensation law that will do nothing less than put the matter into judicial hands where it would allay any feeling, any chance of charges of that kind, coercion of the men and unfair treatment—I think it would be very desirable and we are very much in favor of it.

Commissioner GARRETSON. Don't all compensation laws take it out of judicial hands?

Mr. EVANS. No.

Commissioner GARRETSON. And put it into automatic hands?

Mr. EVANS. I mean all judicial channels; I mean where it is administered by somebody other than the two parties themselves.

Commissioner GARRETSON. Oh, you are not applying it to the bench?

Mr. EVANS. No; but most all of the compensation laws have methods of judicial determination, you know.

Commissioner GARRETSON. Well, that is only on moot questions?

Mr. EVANS. Yes; certainly.

Commissioner GARRETSON. But the ordinary application would be that in——

Mr. EVANS. Yes.

Commissioner GARRETSON. The records of the courts, then——

Mr. EVANS. Where the injury is certainly——

Commissioner GARRETSON. Would determine?

Mr. EVANS. Yes.

Commissioner O'CONNELL. Whereby the injured would be paid a hundred cents on the dollar?

Mr. EVANS. Yes; that is it exactly; it would all go to him, and that has been our aim in connection with ours. Now, I want to tell the court—Mr. Maury has referred to his failure to get verdicts. And to give a specific instance, now I am not calling on my imagination as to the courts in these matters; they are matters of general knowledge. Mr. Maury had here about two years ago, he had some cases coming on before the Federal court here, on for trial on the jury panel; he had four in a row, and two of them—one of them was against the Boston & Montana, one of the former companies merged into the Anaconda Co., one was against the North Butte Co., and two against other corporations. The jury panel up there, about half of them were entirely outside Silver Bow and Deer Lodge Counties, about half; that is the approximate number. I don't remember exactly. The others were residents here.

In our Federal court here we get the best men; we get the most intelligent fellows. We can't call them the best, but perhaps the most intelligent class of people that we have. They get splendid juries. The judges don't excuse them for trivial causes. They make them stay. Mr. Maury got up, the first case he tried in that panel, he got up before the jurors who were sitting in the box who had been called in that case, with the rest of the panel sitting in the court room, and he told them that he didn't expect a verdict at their hands, because he knew they were dominated or coerced so that they would not give a verdict. He was reprimanded by the court, and within 15 minutes he did it again. He was punished by the court, and fined $500 for contempt of court. He took that to San Francisco, and the sentence was affirmed. This jury panel that he had insulted tried his three or four cases. I think one of them was taken away by the court. The other three went to this jury panel with the natural result. Now, one of the cases Mr. Maury bases, one of the cases where the jury found against him, was a case against the North Butte Mining Co., Melichovich against the company, the judge granted a new trial because of an error in instructions, and there were two causes of action. He granted a new trial upon one of them. Mr. Maury went down to Minnesota and brought it over again; he could not get a fair trial before a jury in this county, so he went down to Minnesota, and it was tried there. Our attorney, who was familiar with the case, was unable to go because of the recent labor trouble, and we sent one of the younger men in the office, who never heard of the case until he took up the papers, he never had any familiarity with it before he got on this train and went down there, and was assisted by a young man from Duluth who had had no experience in mining matters at all. The unanimous verdict was returned against Mr. Maury, to the same effect as the verdict returned here, in one hour and a half. Now, that is the actual fact regarding Mr. Maury's jury trials and experience.

But, as I said, my view of this is that these matters should be tried in the courts, if our courts are so corrupt, why, of course, we are in bad shape in Silver Bow County; we are in very bad shape, but I don't think any member of the commission is going to believe that.

Commissioner GARRETSON. Then your position would be that in Montana there is no invisible government?

Mr. EVANS. Why, no; not to any serious extent. Everybody has influence.

Commissioner GARRETSON. That phrase is not mine; I borrowed that.

Mr. EVANS. Yes, I understand; it is a phrase that has been used here and used everywhere. Every corporation, of course, has more or less influence. Every person has who amounts to anything. Everybody has a little, and in Montana there is no unreasonable influence in Silver Bow County, particularly in regard to the courts and litigation, I think. And I think I know this company and its influence and its ins and outs as well as anyone in the past 12 or 15 years.

Acting Chairman COMMONS. That is all you have to say, then, Mr. Evans?

Mr. EVANS. Unless the commission desire to ask any question. Now, I can present all the details about the cases and the history of them, and everything that the commission would like. I can obtain it in a few minutes. If there is anything the commission think they would like to have in the way of records——

Acting Chairman COMMONS. Well, we will let you know to-morrow.

Mr. EVANS. Thank you.

Acting Chairman COMMONS. The commission will stand adjourned until 9 o'clock to-morrow morning.

(See O'Brien Exhibit No. 1 and Pope Exhibit No. 1.)

(Thereupon, at 4 o'clock p. m. on this 7th day of August, 1914, an adjournment was taken to the following day, Saturday, August 8, 1914, at 9 o'clock a. m.)

BUTTE, MONT., *Saturday, August 8, 1914—9 a. m.*

Acting Chairman COMMONS. The commission will come to order. Mr. H. G. Miller, will you take the stand?

TESTIMONY OF MR. H. G. MILLER.

Acting Chairman COMMONS. Mr. Miller, will you give your name and address to the reporter?

Mr. MILLER. H. G. Miller; Kalispell, Mont.

Acting Chairman COMMONS. Mr. Miller, what is your occupation?

Mr. MILLER. I am in the lumber business.

Acting Chairman COMMONS. How long have you been in the lumber business in this State?

Mr. MILLER. Since 1891.

Acting Chairman COMMONS. Is there an association of lumber, mill owners?

Mr. MILLER. There is in our section of the country an association of manufacturers.

Acting Chairman COMMONS. That is, owners of timberlands?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. In what section of the State is this association?

Mr. MILLER. The section known as Flathead County and Lincoln County; northern and western part.

Acting Chairman COMMONS. What is the object of this association?

Mr. MILLER. The association primarily is one to secure uniform grading of the product.

Acting Chairman COMMONS. What is the class of lumber?

Mr. MILLER. The lumber is principally made from larch trees with a percentage of fir, pine, and spruce.

Acting Chairman COMMONS. How many members are there of this association?

Mr. MILLER. I think there are nine now.

Acting Chairman COMMONS. Does that include the principal production of the lumber of this State?

Mr. MILLER. It does in that section. The mills in the southern part of the State are not connected with us.

Acting Chairman COMMONS. About how many employees would be in the service of these nine?

Mr. MILLER. That will vary with the season. When the logging operations are on more men are employed than at other times. The operations are not continuous; sawing is conducted in the summer, and logging as a rule in the winter.

Acting Chairman COMMONS. Can you estimate the number?

Mr. MILLER. Number of men employed?

Acting Chairman COMMONS. In the winter and in the summer.

Mr. MILLER. There is no data on that subject in our section of the country. My estimate would be approximately 2,000 men.

Acting Chairman COMMONS. In the winter?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. And in the summer about——

Mr. MILLER. No; in the winter it would exceed that. Three thousand in the winter.

Acting Chairman COMMONS. And about 2,000 in the summer?

Mr. MILLER. Two thousand in the summer.

Acting Chairman COMMONS. Are the same men employed in both operations?

Mr. MILLER. No, sir.

Acting Chairman COMMONS. How much work, how many months' work will the men engaged in the logging operations secure in the winter?

Mr. MILLER. From September to March.

Acting Chairman COMMONS. How many months for the men in the milling operations?

Mr. MILLER. And they begin in April and they will run until September, the latter part of September. There are one or two institutions that supply themselves by rail, log by rail and not by water. Those institutions get 9, 10, or 11 months' operation.

Acting Chairman COMMONS. Are they large ones or small ones?

Mr. MILLER. Both.

Acting Chairman COMMONS. What method have you of securing your help?

Mr. MILLER. There is no concerted effort, no regular method.

Acting Chairman COMMONS. Where do you apply for help?

Mr. MILLER. We don't apply; the men apply themselves.

Acting Chairman COMMONS. They are men, then, who have been in the camp before and return?

Mr. MILLER. The mills employ men who are largely family men. Those men get the preference, and from year to year we have a large number of men that we can always depend on and they depend on us. The contrary rule is in effect in the woods. Those men are very largely drifting men.

Acting Chairman COMMONS. Now, these men at the mills, what is their occupation during the other months of the year when the mills are not running?

Mr. MILLER. A great many of them do nothing; others scatter around and pick up odd jobs. You will find them working at the carpentry business or anything else that offers employment during the idle period.

Acting Chairman COMMONS. Some of them go to logging?

Mr. MILLER. Yes, sir; some of them go to logging.

Acting Chairman COMMONS. What are the prevailing rates of wages for the men at the mills?

Mr. MILLER. The minimum wage is $2.50 for 10 hours.

Acting Chairman COMMONS. You said there were about 2,000?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. What proportion get $2.50 for 10 hours?

Mr. MILLER. Sixty per cent.

Acting Chairman COMMONS. What is the next scale—$3?

Mr. MILLER. No; $2.75, $3, $3.25, $3.50. Then, there is a limited class of employees, filers, head sawyers, superintendents, and foremen who earn from $5 to $8 a day; that would vary with the different mills, the degree of responsibility, etc.

Acting Chairman COMMONS. Are these mill men organized in unions?

Mr. MILLER. No, sir; there is no organization.

Acting Chairman COMMONS. Has there ever been an organization?

Mr. MILLER. No, sir.

Acting Chairman COMMONS. A man in the——

Mr. MILLER (interrupting). I want to correct that. There have been two organizations at one mill, but the organizations have been abandoned.

Acting Chairman COMMONS. Which mill was that?
Mr. MILLER. The Sommers Lumber Co.
Acting Chairman COMMONS. At what place?
Mr. MILLER. At Sommer, a town 12 miles from Kalispell.
Acting Chairman COMMONS. What year?
Mr. MILLER. I can't recall the year.
Acting Chairman COMMONS. Recently?
Mr. MILLER. The last one, I think, three years ago.
Acting Chairman COMMONS. Do you know about how long it lasted—a few months?
Mr. MILLER. The organization?
Acting Chairman COMMONS. Yes.
Mr. MILLER. I don't know when it began. There was a difficulty over it, a strike, and I think that lasted about six weeks.
Acting Chairman COMMONS. These men that work in the winter—these 3,000 men—do they—is there any concerted method by which they know when they are coming or where they are going—any organization at all?
Mr. MILLER. No, sir; no organization among them as far as I know.
Acting Chairman COMMONS. Are they sent in by employment agencies?
Mr. MILLER. No, sir.
Acting Chairman COMMONS. Then, they just wander in without any——
Mr. MILLER (interrupting). They usually have a general knowledge of when logging is likely to begin, and about that time you begin to see them show up.
Acting Chairman COMMONS. What nationalities do they include?
Mr. MILLER. I think they include every nationality?
Acting Chairman COMMONS. And what is the pay of the men in the winter?
Mr. MILLER. The custom in our country is to supply the board and lodging, and in addition to that they get from $40 to $60 per month, varying with the supply. If it is very difficult to get men, why they start in and build up on us. They will move from one camp to another, and the various logging companies bid against each other for employees if they are short.
Acting Chairman COMMONS. Do they go in bunches?
Mr. MILLER. Well, in times of high wages the men drift from one camp to another. They seem to want to go, and the custom has been to have about three crews, one coming and one going and one at work. That is about the way it divides itself up. They know the moment they leave one camp they can stop at the next.
Acting Chairman COMMONS. Has your association or any other association made any effort to organize this matter of securing help in the winter?
Mr. MILLER. There was one year when it was very difficult for us to get employees, and we sent representatives to the State of North Dakota, where the harvest was about over, and tried to get additional men from there. It was only partially successful.
Acting Chairman COMMONS. And that has never been tried again?
Mr. MILLER. No, sir.
Acting Chairman COMMONS. What do you consider the board and lodging worth?
Mr. MILLER. I think that would vary with the different places. We keep actual count of it and our expenses are 22 cents per meal. That covers everything—the provisions and service.
Acting Chairman COMMONS. And the lodging?
Mr. MILLER. Well, that is immaterial. The lodging is in a building that the company constructed, and the men all carry their own bedding; it is a practice of the country.
Acting Chairman COMMONS. They take care of the building?
Mr. MILLER. Yes; the company always provides an attendant for these bunk houses, as they are called. He provides the water and fuel and sees that it is cleaned up each day.
Acting Chairman COMMONS. Is there any State legislation governing the conditions?
Mr. MILLER. I think not.
Acting Chairman COMMONS. In the lumber camps?
Mr. MILLER. I think not.
Acting Chairman COMMONS. Does your association take into account the conditions of the bunk houses?
Mr. MILLER. No, sir.

Acting Chairman COMMONS. That is left to each company?

Mr. MILLER. Yes, sir; that is an individual affair. I want to add in that connection that those matters have to be attended to properly, because you can't keep your crew unless your conditions are favorable. You have got to have good water, and it is nearly always running water—in the cleanliness of the place; the character of the food and the quantity of it—all these things are considered by the men; and if they don't like it, as they say, they "bunch the job."

Acting Chairman COMMONS. What are their hours of labor?

Mr. MILLER. It varies with the length of the day in the woods. The short days, of course, they do not get in over 8 or 9 hours; the long days they put in 10; but at the manufacturing—at the mills—those are all 10-hour shifts.

Acting Chairman COMMONS. Have you knowledge, or even hearsay, with regard to what these men do in the other seasons—when the other season is on—where they go?

Mr. MILLER. No, sir; I have conversed with some of them. They don't show up each season; the same men. I have seen men show up three years after we previously employed them. They give an account of where they might have gone—in Alaska, California, or in the East. They apparently were continually on the move to see the country.

Acting Chairman COMMONS. How many positions do you have in your mill; how many men do you have at this time in your employ?

Mr. MILLER. Not to exceed 120 at any one time.

Acting Chairman COMMONS. In the logging?

Mr. MILLER. No; in the logging, not over 80.

Acting Chairman COMMONS. Well, how many will you hire during the winter, the logging season, to keep up that 80?

Mr. MILLER. In a normal season, probably 160 men; in an abnormal season, probably 1,000.

Acting Chairman COMMONS. You mean by abnormal, what?

Mr. MILLER. When labor is very scarce and the men are moving from camp to camp.

Commissioner GARRETSON. The scarcer it is the more men you hire?

Mr. MILLER. The more men we hire.

Commissioner GARRETSON. That is, the more hirings are made?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. And that is the time that the higher wages are paid?

Mr. MILLER. Yes, sir; and that is the time when the men are less efficient?

Acting Chairman COMMONS. You think you will have to hire a thousand men at $60 to keep up a force of 80?

Mr. MILLER. When the conditions are very hard; yes, sir.

Acting Chairman COMMONS. In the course of seven months; I think you figured about seven months.

Mr. MILLER. About seven.

Acting Chairman COMMONS. And when the times are hard—that is, when there is an abundance of labor—the men will stick to the job then?

Mr. MILLER. They will.

Acting Chairman COMMONS. And you can get—you only need to hire 160 men?

Mr. MILLER. In a season.

Acting Chairman COMMONS. To keep up that 40?

Mr. MILLER. Well, not 40; no sir; 40 is the minimum; it will range from 40 to 50, depending upon the class of employment. For instance, when an ordinary workman is getting $40, a four-horse teamster may get $50.

Acting Chairman COMMONS. I am speaking about the difference; the minimum is—

Mr. MILLER. Yes; the minimum is 40.

Acting Chairman COMMONS. Where the wages are at the minimum—that is, when the work is—they keep their jobs and don't move on.

Mr. MILLER. Yes; they will do twice as much then for $40 as they will do for $60, in my observation.

Acting Chairman COMMONS. It looks as though it was badly disorganized, doesn't it?

Mr. MILLER. Totally unorganized.

Commissioner GARRETSON. Is that on the same principle that when the price of a commodity is high the scale beam is watched lots closer by the man that sells?

Mr. MILLER. Precisely. That is the operation of supply and demand purely.

Commissioner GARRETSON. And the application of human nature?

Mr. MILLER. Precisely.

Acting Chairman COMMONS. Do you know whether any of those men, either in the mills or in the logging, alternate with mine working?

Mr. MILLER. I don't think so.

Acting Chairman COMMONS. They don't go into the mines?

Mr. MILLER. That is, not in our neighborhood. Now, in the southern part of the State, which is close to the mining region, that statement might not hold good. I don't know as to that. But in our country it does not hold good.

Acting Chairman COMMONS. Any of these that work in the winter, do they have homesteads?

Mr. MILLER. Yes; there are a considerable number of what are known as dry-land farmers, coming into the State in the last five years. These men have a pretty hard time, and in the winter they will drift over in the mountains and work in the lumber camps to get a grub stake for the next season.

Acting Chairman COMMONS. Are they superior to this drifting class of men?

Mr. MILLER. They are much more dependable men after they learn the business. To begin with, they know nothing about it and are practically useless for a month or so until they are taught.

Acting Chairman COMMONS. Do you pay them more than this other class?

Mr. MILLER. No, sir; they are subject to the same laws that I have described, depending on the supply of labor and the urgency of the conditions.

Acting Chairman COMMONS. Do you keep a record in your mills of the accidents?

Mr. MILLER. No; we don't. We keep copies of the notices that are sent to the liability insurance companies. We are insured, of course, for our legal liability. That is necessary, and these policies obligate us to report each accident in detail to the insurance company. Copies of those letters are kept.

Acting Chairman COMMONS. You don't compile any?

Mr. MILLER. We don't.

Commissioner LENNON. How are the settlements made—by the representative of the insurance company or by yourselves?

Mr. MILLER. In all cases of legal liability where the company has admitted they make the settlement. The policy requires that. We are not permitted to get in. Where there is no liability we have to make the settlement.

Acting Chairman COMMONS. What is the premium that is paid?

Mr. MILLER. One dollar and thirty-five cents a hundred.

Acting Chairman COMMONS. That covers the entire pay roll?

Mr. MILLER. The entire pay roll.

Acting Chairman COMMONS. One dollar and twenty-five cents?

Mr. MILLER. One dollar and thirty-five cents.

Commissioner GARRETSON. In the terms of that policy, Mr. Miller, you are in fact barred even from taking action that you would desire to take?

Mr. MILLER. Certainly.

Commissioner GARRETSON. In the case of an injured man, because the terms of this policy throws the liability onto you if you do it?

Mr. MILLER. That is one of the worst things about it. We have men that are our personal friends, and right in the time of their adversity we want to help them out and can't.

Acting Chairman COMMONS. Does your association as an association insure with the liability companies?

Mr. MILLER. No; it is an individual affair with each company.

Acting Chairman COMMONS. But the rate is the same for each?

Mr. MILLER. I think it is.

Acting Chairman COMMONS. What is the rate of the logging operations?

Mr. MILLER. It is the same.

Acting Chairman COMMONS. You have the same rate?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. For all operations?

Mr. MILLER. Yes, sir.

Acting Chairman COMMONS. Is that a board rate made by agreement amongst the companies?

Mr. MILLER. I think it is now. In the beginning it was not, but now I think that all the companies enforce the same rate.

Acting Chairman COMMONS. You have then no system, no benefit system or insurance system or anything of that kind?

Mr. MILLER. Nothing of the sort.

Acting Chairman COMMONS. Outside of——

Mr. MILLER. Except that we have a hospital fee system which covers both sickness and accidents for a period of six months. The men pay that at $1 per month.

Acting Chairman COMMONS. Where are the hospitals?

Mr. MILLER. They are located in Kalispell.

Acting Chairman COMMONS. Do all the companies that are connected with the association——

Mr. MILLER. No; where the places are remote from Kalispell they have hospitals, so called. They are not really good hospitals, but they do the best they can under the circumstances. Usually some physician will establish a hospital for that purpose in a small community. The camps that are accessible to Kalispell all depend upon the Kalispell hospitals. I can furnish you with a copy of that contract which we have with the hospitals if you wish it.

Acting Chairman COMMONS. If you will file that with us.

Mr. MILLER. Yes, sir.

(The paper so presented was marked "Document Serial No. 403 August 8, 1914, Witness Miller."

The contract referred to was submitted in printed form.)

Acting Chairman COMMONS. Do you know what the premium rate in your business is under the system in the State of Washington?

Mr. MILLER. What are you referring to?

Acting Chairman COMMONS. The premium rate.

Mr. MILLER. On insurance?

Acting Chairman COMMONS. Insurance, yes; under the compensation law.

Commissioner GARRETSON. State insurance system.

Mr. MILLER. Oh, the State insurance system?

Acting Chairman COMMONS. State insurance system of the State of Washington, yes.

Mr. MILLER. What our business would be under that classification?

Acting Chairman COMMONS. Yes.

Mr. MILLER. It would be two and one-half under the State of Washington.

Acting Chairman COMMONS. Against $1.35?

Mr. MILLER. Well, there is no comparison. You know the liability in the State of Washington is complete and covers everything. Under these policies that we have nothing but legal liability is covered; that is to say, where the company is culpable, the policy covers, but where there is no culpability on the part of the company, the policy does not apply. The man is adrift; he gets nothing. In Washington every man gets something if he is injured.

Commissioner GARRETSON. As between the $1.35 that you pay liability and the two—what did you say?

Mr. MILLER. Two and a half.

Commissioner GARRETSON (continuing). That you would pay under the Washington State insurance system, the return—what would be the proportionate return, not speaking now of yourself as an employer and the man as an employee, but both as citizens.

Mr. MILLER. What would be the return to the community?

Commissioner GARRETSON. Yes.

Mr. MILLER. There would be in the beginning an absence of litigation of the matter. There will be an absence of any bad feeling between the employer and the employee. There would be in all cases something to help the man bridge over, according to the circumstances of the case, and the general public, so far as possible, would pay the entire bill through the added cost of production. But in competitive conditions, where producers could not add to their cost and still compete, in such cases the employers would be paying the whole bill, except such part of it as was used up in administering the law that comes from general taxation in the State of Washington.

Commissioner GARRETSON. In other words, it would really distribute the casualites and the cost arising from every industry upon the patrons of that industry instead of upon the taxpayers of the community?

Mr. MILLER. If the competitive condition permitted the addition.

Commissioner GARRETSON. Certainly. And when it becomes a legal statute the competitive conditions have to yield to the law?

Mr. MILLER. No; the competitive conditions do not yield to the law.

Commissioner GARRETSON. Competitive conditions in that sense will be compelled to yield to law, will they not, because the competitors have to conform to the law?

Mr. MILLER. Well, they would in a certain State. If the average production of any State in a State is sold within that State and does not come in competition with similar products shipped into that State from another State, then your holding would be correct.

Commissioner GARRETSON. Assume a continent-wide or nation-wide condition, because there are certain social questions that can never be considered from the standpoint of the community.

Mr. MILLER. You are right.

Commissioner GARRETSON. I mean in their last analysis.

Mr. MILLER. In their last analysis, that nation-wide application—that would be strictly true.

Commissioner GARRETSON. That is what I mean. Then the practical benefits that are received from the two and one-half payment are as a totality far greater than would be indicated in the difference between one thirty-five and two fifty?

Mr. MILLER. Oh, yes; there is no comparison at all.

Commissioner LENNON. Would you tell us, as nearly as you can, if you remember, what is furnished for the three meals a day—breakfast, dinner, or whatever you call it, and their evening meal?

Mr. MILLER. The staple food is meat in various forms. In addition to that all obtainable vegetables, except that not very many fresh vegetables are used. Some are used. A great deal of canned fruit and canned vegetables is used; and, of course, the staples like potatoes, turnips, and articles of that kind are bulk.

Commissioner GARRETSON. Don't forget beans.

Mr. MILLER. No; we use a good many canned beans. The table is supplied with all they can possibly eat, and there is no question about food supply; but of course the boarding houses are urged to avoid any waste. Food that is not used is frequently recooked in some form that is palatable and sanitary.

Commissioner LENNON. The meals are practically all about alike, are they?

Mr. MILLER. Oh, no; there is a constant variety, meat, however, being the staple; and there is a good deal of pastry used.

Commissioner LENNON. What are the toilet facilities for the workers?

Mr. MILLER. At the mill places?

Commissioner LENNON. No; at the camps in the lumber?

Mr. MILLER. They are of purely a temporary character; they are changed frequently, as necessity may require.

Commissioner LENNON. Not with running water, hardly ever?

Mr. MILLER. No, sir; no running water used in connection with the toilet facilities, as far as I know.

Commissioner LENNON. But they are repeatedly changed?

Mr. MILLER. Oh, yes.

Commissioner LENNON. What did I understand you to say the cost—did you say the cost per day or per meal was about 22 cents?

Mr. MILLER. Per meal. That is actual cost.

Commissioner GARRETSON. That includes overhead?

Mr. MILLER. No, sir; there is no overhead, unless you can call the cook overhead.

Commissioner GARRETSON. That is what I meant.

Mr. MILLER. Yes, sir; it includes that; it includes service.

Commissioner GARRETSON. That is all the overhead there could be in a performance of that kind.

Mr. MILLER. No, sir; there is the construction of the building and things of that kind, but those are not included in the cost of the meal.

Commissioner LENNON. That makes the wage about $60 per month, when you are paying $40 approximately?

Mr. MILLER. Well, it would be a little more than that. However, that is an approximation; that is close enough.

Commissioner LENNON. What do the men provide as to their accommodation for sleeping? What does the man bring to use as a bed?

Mr. MILLER. A roll of blankets.

Commissioner LENNON. Does he have any mattress of any kind?

Mr. MILLER. No, sir.

Commissioner LENNON. Or a straw tick?

Mr. MILLER. No, sir; the company furnishes the hay.

Commissioner LENNON. The hay is spread in the bunk, and they use their blankets?

Mr. MILLER. Yes, sir

Commissioner LENNON. Is the hay changed from time to time, or lasts through the season?

Mr. MILLER. No, sir; it is changed from time to time. Of course, where parties are careless and the men don't care, there might not be changes in the hay as far as I know, but the practice is to change it frequently.

Commissioner LENNON. Do you have an inspector? Does each camp have an inspector to see that these things are taken care of properly, or does it depend on the men themselves?

Mr. MILLER. It depends largely on the men themselves; all their demands are met, anything within reason.

Commissioner LENNON. Suppose they want clothing or shoes, or anything that they may want, tobacco or anything else, where do they get it?

Mr. MILLER. The camp foreman usually has a supply of that on hand.

Commissioner LENNON. The camp foreman?

Mr. MILLER. Yes.

Commissioner LENNON. Are these supplies owned by him and sold by him, or owned by the company?

Mr. MILLER. Owned by the company.

Commissioner GARRETSON. Are they sold at a low rate?

Mr. MILLER. Oh, yes; they can get anything they want now by parcel post if they are not suited at the camp.

Commissioner GAARRETSON. That is one thing that competition regulates?

Mr. MILLER. Yes, sir; they can write a letter to town and get anything they want by parcel post.

Commissioner LENNON. That is done to a certain extent, is it?

Mr. MILLER. I think so.

Commissioner LENNON. I think that is all.

Commissioner GARRETSON. Has your experience shown you that liability companies all quote you the same rate?

Mr. MILLER. Yes, sir.

Commissioner GARRETSON. Do you know whether that rate is fixed by a State tribunal of the insurance companies or by headquarters?

Mr. MILLER. I understand it is all a headquarters proposition.

Commissioner GARRETSON. It becomes perfectly evident to you when you desire to buy you are not buying liability insurance in a competitive market?

Mr. MILLER. Sure.

Commissioner GARRETSON. Is your association composed only of manufacturers, or it is also composed of wholesalers and retailers?

Mr. MILLER. I think they are all manufacturers.

Commissioner GARRETSON. The wholesalers and retailers have their own association?

Mr. MILLER. Yes, sir.

Commissioner GARRETSON. Have you any connection with any of them?

Mr. MILLER. Well, yes, sir; I think I have. We operate one retail yard.

Commissioner GARRETSON. I mean, is there any understanding or gathering or meeting between them?

Mr. MILLER. The organizations?

Commissioner GARRETSON. Representatives of your association as manufacturers and theirs as jobbers or wholesalers or retailers?

Mr. MILLER. Nothing of that sort at all.

Commissioner GARRETSON. Have you any connection with any national body?

Mr. MILLER. No, sir.

Commissioner GARRETSON. Is your organization or the others ever charged with price fixing?

Mr. MILLER. We never have been.

Commissioner GARRETSON. How about the retailers or wholesalers—I am only speaking of common rumor? Is it so charged?

Mr. MILLER. Oh, it is so charged everywhere that the lumbermen are all robbers; yes, sir.

Commissioner GARRETSON. Where is the burden placed, as a rule, on the retailers and wholesalers or manufacturers?

Mr. MILLER. Usually placed on the manufacturers, I believe.

Commissioner GARRETSON. That is all, Mr. Chairman.

Action has never been brought in any direction on that basis in this State?

Mr. MILLER. No, sir; the question has never been raised here, as far as I know.

Commissioner GARRETSON. Nor have any of your association ever been a party to actions brought elsewhere?

Mr. MILLER. No, sir.
Commissioner GARRETSON. You are familiar with the actions that have been brought against the national association?
Mr. MILLER. In a general way.
Commissioner GARRETSON. That is all.
Acting Chairman COMMONS. That is all, Mr. Miller; much obliged. Mr. Drennan.
Commissioner GARRETSON. I would like to ask Mr. Miller just one question; you need not return to the chair. Has the health department of the State ever exercised any power of supervision over lumber camps in the State, as far as you know—inspectors, I mean?
Mr. MILLER. Yes, sir.
Commissioner GARRETSON. And required of employers any certain measures?
Mr. MILLER. Yes, sir.
Commissioner GARRETSON. Sanitary and otherwise?
Mr. MILLER. Yes, sir.
Commissioner GARRETSON. That has been done?
Mr. MILLER. Yes, sir.
Commissioner GARRETSON. That is all.

TESTIMONY OF MR. HENRY DRENNAN.

Acting Chairman COMMONS. Give your name and address.
Mr. DRENNAN. Henry Drennan, Billings, Mont.
Acting Chairman COMMONS. What place?
Mr. DRENNAN. Billings.
Acting Chairman COMMONS. Are you a mine worker?
Mr. DRENNAN. Yes, sir.
Acting Chairman COMMONS. Coal miner?
Mr. DRENNAN. Yes, sir.
Acting Chairman COMMONS. In what place?
Mr. DRENNAN. Well, I represent the coal miners in this State.
Acting Chairman COMMONS. What is the organization that you represent?
Mr. DRENNAN. The United Mine Workers of America.
Acting Chairman COMMONS. What is the district?
Mr. DRENNAN. Twenty-seven.
Acting Chairman COMMONS. Where are your headquarters?
Mr. DRENNAN. Billings.
Acting Chairman COMMONS. Where are the mines?
Mr. DRENNAN. The mines are located pretty much all over the State. They are segregated to some extent; for instance, we have mines in practically the extreme southern part of the State, some practically in the central part of the State, and some within 100 miles of the north boundary of the State. The field here is not regular; therefore, the segregation.
Acting Chairman COMMONS. They are all in one district, however?
Mr. DRENNAN. Yes, sir; Montana comprises district 27.
Acting Chairman COMMONS. Are the coal operators organized?
Mr. DRENNAN. Yes, sir.
Acting Chairman COMMONS. What is the name of their organization?
Mr. DRENNAN. The Montana Coal Operators' Association.
Acting Chairman COMMONS. Who are the officers?
Mr. DRENNAN. The president and secretary—we have a commissioner that acts as secretary of the organization.
Acting Chairman COMMONS. Who is the commissioner?
Mr. DRENNAN. Mr. Purcell.
Acting Chairman COMMONS. Where is his office?
Mr. DRENNAN. At Billings.
Acting Chairman COMMONS. Do you give all your time to the work of the mine workers' union?
Mr. DRENNAN. Yes, sir.
Acting Chairman COMMONS. What is the number of mine workers in the district?
Mr. DRENNAN. Well, it fluctuates. The fact of the matter is in the summer months, as a rule, like all coal-mining districts, the membership is lower in the summer time than it is in the wintertime. Now, about from this time on we will have a membership, probably, of 3,700 or 3,800, and in the summer time right around 3,000—that is, the fluctuation of it.

Acting Chairman COMMONS. By membership you mean paid up?

Mr. DRENNAN. Well, yes, sir; they are paid up. All the men that work in the State belong to the organization—that is, all the men that are in the mines and who have been working more than 7 to 10 years. There is not a mine in the State that is not under the union mine workers, except little country banks around in different localities.

Acting Chairman COMMONS. You have agreements with the mine operators' association?

Mr. DRENNAN. Yes, sir.

Acting Chairman COMMONS. How long have those been in operation?

Mr. DRENNAN. They have been in force ever since I have been here, I have only been in the State seven years.

Acting Chairman COMMONS. When were they first inaugurated?

Mr. DRENNAN. About 1903 or 1904; I am not absolutely certain as to the exact date.

Acting Chairman COMMONS. What is the scale of wages for coal miners?

Mr. DRENNAN. The scale of wages?

Acting Chairman COMMONS. Yes; and the hours?

Mr. DRENNAN. The hours are eight in all of the mines of the State—in every department. The scale is based upon different classifications of work.

Acting Chairman COMMONS. Take the surface laborers, that is the lowest scale, what is the minimum wage?

Mr. DRENNAN. The lowest scale of wages for surface laborers is $2.90.

Acting Chairman COMMONS. For eight hours?

Mr. DRENNAN. For eight hours; yes, sir.

Acting Chairman COMMONS. What is the next classification?

Mr. DRENNAN. Well, we have a classification of the outside scale. The lowest, that is the ordinary laborer, in classification, he receives $2.90; the others are classified from the fact that they work on the tipple, the tipple man gets $3; the head dumper, the man that dumps the coal, get $3.15; the man that works down on the flat, he gets $3.50; the man that runs the box car loader that distributes the coal in the car, you understand, the head brakeman—we have to have a brakeman around the yards to take care of the cars in this State—and the head brakeman receives $3.20; and the other brakeman $3; so, you see, that the whole business is classified from one item to another.

Acting Chairman COMMONS. Take the men underground.

Mr. DRENNAN. The men underground, they are classified as well. The unclassified get $3.40.

Acting Chairman COMMONS. For eight hours?

Mr. DRENNAN. Eight hours; yes, sir.

Acting Chairman COMMONS. Define that eight hours, is it net or gross?

Mr. DRENNAN. Pardon me?

Acting Chairman COMMONS. Is it eight hours at the face?

Mr. DRENNAN. Yes; eight hours at the face—supposed to be.

Acting Chairman COMMONS. And at the surface?

Mr. DRENNAN. We have an agreement that generally applies to this matter. You are supposed to take time enough to get to your working place by 8 o'clock, for instance, if that is the working time. They have different starting times in different locations, it is a matter of the humor of the men more than anything else that is involved, you understand. It is immaterial to the company whether they start at 7 or 8 o'clock, so that they get eight hours just the same.

Commissioner GARRETSON. Is that eight hours in the pit or that you start?

Mr. DRENNAN. No, sir; it is from bank to bank. It is eight hours exclusive of the time going to and coming from work, except where shooting time is. We are allowed under the contract 15 minutes before we could get time for shooting.

Commissioner GARRETSON. Is that eight hours from the pit mouth, when he has to go to work; that is, he leaves the pit mouth?

Mr. DRENNAN. No; it is not; from bank to bank.

Commissioner GARRETSON. It is not?

Mr. DRENNAN. No; it is eight hours exclusive of going to and from the bank, excepting where shooting time is not allowed.

Acting Chairman COMMONS. Does that come out of this eight hours, is that company time or yours?

Mr. DRENNAN. That is on their own time.

Acting Chairman COMMONS. You say it is?

Mr. DRENNAN. It is eight hours work at the working place.

Acting Chairman COMMONS At the face of the coal, the working place?

Mr. DRENNAN. Yes.

Acting Chairman COMMONS. You said the unclassified laborer gets $3.40 for eight hours?

Mr. DRENNAN. Yes; the work such as shoveling, such as working on the roadway, the timber man, the track man, or something of that character. Then the classification for the miner other than contractor, understand, for day work, understand, is $3.80.

The man that lays the track gets $3.80, the timber man gets $3.80, the driver gets $3.60. So that is the classification.

Acting Chairman COMMONS. The driver, the driver of what?

Mr. DRENNAN. That is the man that pulls the coal, either horse or motor.

Acting Chairman COMMONS. What are the tonnage rates?

Mr. DRENNAN. Well, the tonnage rates vary.

Acting Chairman COMMONS. How much is a man expected to earn under the tonnage rate?

Mr. DRENNAN. All he can.

Acting Chairman COMMONS. What do they?

Mr. DRENNAN. That is a matter that is quite a difficult proposition from the fact that it varies from the different working conditions, you understand. The conditions in this State are so varied, that there are not two mines that work under the same conditions.

Acting Chairman COMMONS. Take the worst mine, the lowest-paid mine in the State.

Mr. DRENNAN. The lowest-paid mine in the State, it will average about $3.50 a day; that is, for their working days.

Acting Chairman COMMONS. By contract you mean what?

Mr. DRENNAN. That is the term.

Acting Chairman COMMONS. Three fifty?

Mr. DRENNAN. That is, I would say that as an estimate, as near as I can get.

Acting Chairman COMMONS. That is less than the day rate, which is three eighty?

Mr. DRENNAN. Yes; that would be less than the day rate, the lowest day rate.

Acting Chairman COMMONS. What is the highest?

Mr. DRENNAN. I couldn't just answer that to be absolutely correct, but there is contract men in this State will make as high as, I would say, $8 and $9 a day. That only applies, however, in certain localities, understand.

Acting Chairman COMMONS. Would that apply to some mines, to the entire mine?

Mr. DRENNAN. Well, no, it would not apply to any entire mine. The classification of our work in the coal mine, of course, it is varied, understand. The entry work, for instance, which is termed in the case of quartz, hard-rock work, gangway, entry work is better paid than the room work. Simply as a matter of fact we are paid yardage over tonnage price, it is the same price as the contract man gets.

Acting Chairman COMMONS. I was not after the entry work, I was after the other.

Mr. DRENNAN. The average on the other work is so varied that to take an average of the entire State I never tried to figure it up, really never did.

Acting Chairman COMMONS. Just the highest and lowest.

Mr. DRENNAN. Well, the lowest, I would say, is probably some lower than $3.50 a day; there is some, you know, in some instances that therefore it is a pretty hard proposition from the natural conditions of the work or the physical conditions that you work under makes it a very hard proposition to get.

Acting Chairman COMMONS. How many months does a man get during the year?

Mr. DRENNAN. Well, that is according to localities, as well. We have mines in this State at the present time that have not lost a day in three weeks all summer. We have other mines in the State that haven't worked three weeks all summer. So that there is a proposition so far as the coal business is concerned.

Acting Chairman COMMONS. Is the Anaconda Co. or the Amalgamated Co. the owner of any of the mines in district 27?

Mr. DRENNAN. Yes, sir; two.

Acting Chairman COMMONS. Two?

Mr. DRENNAN. Yes, sir.

Acting Chairman COMMONS. How many days' work in the year are secured in those mines?

Mr. DRENNAN. Well they will average—with some of the mines they will average fairly good; with others they are not up to the average. That is, I mean to say by that, that, for instance, in the Bear Creek field we have a mine—that is, in the southern part of the State—they have a mine what they call the Washoe, and it is practically the same field as the Bear Creek—we have a field down there that is called the Bear Creek field, a little creek runs down there, and that is the name of the creek, and all the mines go under that name down there, although under different names; it is all called Bear Creek; the Washoe people down there have worked a little better on the average this summer than the other mines have, excepting one. The six mines in the field—the five mines in the field, one mine as compared, as working days, with the Washoe, about on an average of probably three days a week this summer; the other mines in the field have probably worked an average of a day and three-quarters.

Acting Chairman COMMONS. Take this summer and also run over the last two years, this Washoe mine, about how many days' work per year do your men get or can they count on getting?

Mr. DRENNAN. Well, now, I told you, you can't count on anything.

Acting Chairman COMMONS. How many days has it operated?

Mr. DRENNAN. Well, I would say on the average of about three days a week.

Acting Chairman COMMONS. For the last three or four years?

Mr. DRENNAN. No; I am speaking of the summer months. Now, in the winter-time; that is, where the coal business, you understand, fluctuates to a certain extent.

Acting Chairman COMMONS. Could you put it this way, about the number of days per year in the year they have operated? Would you say 250 days?

Mr. DRENNAN. No; I don't believe I would. I never figured it over to see, understand.

Acting Chairman COMMONS. I wonder if we could get those figures from some one. Mr. Evans, could you get this?

Mr. EVANS. Yes; I think so. As to the Washoe, how did you say that compared to the other mine there?

Mr. DRENNAN. What is that?

Mr. EVANS. How does Washoe compare with the other mine?

Mr. DRENNAN. It does not compare favorably.

Mr. EVANS. It is better than three days and not as good as one?

Mr. DRENNAN. Yes; that is about the way the thing would average.

Mr. EVANS. You mean just as to the Washoe?

Acting Chairman COMMONS. I am trying to get all the mines. I want to find what the coal miner earns as compared to the mine workers of Butte, including the rate of pay and the number of days they work during the year.

Mr. DRENNAN. If that is the idea of the proposition, I will say that the coal miners, as far as their day's work is concerned, in Butte, compared with contract miners, in comparison with day's work, understand, not putting the sum total up against the seven days a week, against the Butte miners, but putting the number of days the coal miner in Butte, compares any way you want to take it.

Acting Chairman COMMONS. Suppose the contract miner gets, we will say, from three and a half up to five or six per day.

Mr. DRENNAN. The contract miner in the Washoe mine, I will say that, I would say that the Washoe miner, coal miner, makes a better average, by far, than the Butte miner does with seven days a week; that is, for the days they work, not taking the seven days a week; they don't work seven days a week.

Commissioner O'CONNELL. What would the year's average be?

Mr. DRENNAN. I never figured it up.

Commissioner O'CONNELL. Would the Butte miner have the best of it at the end of the year?

Mr. DRENNAN. I can say this much, that they work seven days a week, you understand. I might probably say that the miners in the Washoe mine or in all except a couple of mines in the Bear Creek field, for the days they work, will average about five and a half a day.

Acting Chairman COMMONS. Do you have a six-day rule?

Mr. DRENNAN. Yes, sir; absolutely so.

Acting Chairman COMMONS. Is that a union regulation?

Mr. DRENNAN. Yes, sir; it is recognized by contract. I have a contract here.

Acting Chairman COMMONS. Suppose you file that with the stenographer.

(The paper so presented was marked "Document Serial No. 404, August 8, 1914, Witness Drennan.")

Acting Chairman COMMONS. That is your present contract?

Mr. DRENNAN. Yes.

Acting Chairman COMMONS. How do you account for the difference in the attitude of the two organizations, the Western Federation, which generally insists on continuous seven-day work, and your organization, which insists on six-day work?

Mr. DRENNAN. How do I account for it?

Acting Chairman COMMONS. Yes; why should there be such a difference? They are both miners and both underground.

Mr. DRENNAN. I fail to understand the proposition myself. I have never been able to find out why it is these men wanted to work seven days a week.

Commissioner LENNON. Good boy.

Mr. DRENNAN. I never understood. I have had lots of men try to tell me about it, but I never could understand why they wanted to work seven days a week.

Acting Chairman COMMONS. Is it your impression, or your knowledge, that the metalliferous mine workers do want to work seven days?

Mr. DRENNAN. Apparently so.

Acting Chairman COMMONS. Do you get any idea that they are forced to do so by the wishes of the company—employers?

Mr. DRENNAN. If they have any organization, any contract that means anything, they could not force them to work seven days a week.

Acting Chairman COMMONS. I don't quite understand. What I am getting at, has it always been the policy of the metalliferous miners to work seven days a week?

Mr. DRENNAN. That is really the whole business, in my opinion, it has been the policy; that is all.

Acting Chairman COMMONS. They have never agitated any other conditions?

Mr. DRENNAN. I have never heard of it.

Acting Chairman COMMONS. You have discussed it with them at times?

Mr. DRENNAN. Oh, I have talked to individuals, understand. I never discussed it to any extent. I would just meet with the miners, the metalliferous miners in any locality, and I have talked to different individuals and they don't seem to think they could get along if they didn't work seven days a week. That is the way they put it up to me.

Acting Chairman COMMONS. Could not get along?

Mr. DRENNAN. Could not exist properly, or they think they could not, unless they are working seven days a week.

Acting Chairman COMMONS. Is there any interchange between coal-mine workers and metalliferous-mine workers in working cards?

Mr. DRENNAN. The Western Federation and the United Mine Workers interchange cards.

Acting Chairman COMMONS. Changing from coal mines to metalliferous and back?

Mr. DRENNAN. Yes.

Acting Chairman COMMONS. Amongst the mines?

Mr. DRENNAN. Yes; and has been right along all the time; that is, the Western Federation now, you understand.

Acting Chairman COMMONS. Yes.

Mr. DRENNAN. The only exchange of cards we have, as far as the United Mine Workers are concerned, is between the Western Federation and the United Mine Workers of America; no other organization.

Acting Chairman COMMONS. I mean as changing from the Butte mines, or the mines in this neighborhood, and going to work in the coal mines.

Mr. DRENNAN. Oh, yes.

Acting Chairman COMMONS. Have you talked with them about their estimate of the comparative conditions, earnings, health, etc.?

Mr. DRENNAN. That is a very peculiar thing to talk to a man about, especially if a man is a little dissatisfied. Take an individual that is a little dissatisfied in either Butte or any other place, when he transfers or leaves Butte, for instance—I am taking Butte, because we are in Butte, and that is one of the biggest mining centers—transfers from Butte into the United Mine Workers' territory, of course, everything is wrong with Butte with that in-

dividual, as a rule, understand. I suppose when he gets down to the mine workers and works for a while and is ready to make another change, then something goes wrong down there. So that is human nature.

Acting Chairman COMMONS. He comes back to Butte?

Mr. DRENNAN. He goes to some place, anyway. That is rather peculiar about the human, I find.

Acting Chairman COMMONS. So you never, in your own mind, figured—not what you think yourself, but what the men themselves think that are changing back and forth between mines, as to which they would prefer?

Mr. DRENNAN. That is a pretty hard thing to tell, simply because the men give varied opinions on those things, don't you see. There are lots of men, men working in Butte to-day, if they could get located in localities they had worked in, in coal mines, tell me that they would never go back to the metalliferous mines again.

Acting Chairman COMMONS. Well, how about the other fellow?

Mr. DRENNAN. Well, the other fellow I haven't talked to a great deal. I don't mix a great deal with the metalliferous miners.

Acting Chairman COMMONS. So far as you know, this condition applies?

Mr. DRENNAN. Well, in some instances, yes; it might be considered so.

Acting Chairman COMMONS. Now, what other mines, coal mines, does the Anaconda Co. operate, or their subsidiaries?

Mr. DRENNAN. Well, they——

Acting Chairman COMMONS. Besides the Washoe.

Mr. DRENNAN. Well, they operate a mine at Tracy; that is, out in the——

Acting Chairman COMMONS. And what will the contract miner average there?

Mr. DRENNAN. Well, really I am not hardly in a position to say, from the fact that recently we made a contract scale there and I haven't been in close touch with the situation for some months or so, and I am unable to give it.

Acting Chairman COMMONS. Did the scale bring about any increase?

Mr. DRENNAN. Well, I rather think it did.

Acting Chairman COMMONS. Do you know what they were earning before this scale?

Mr. DRENNAN. They were working day work—$3.80.

Acting Chairman COMMONS. Day work?

Mr. DRENNAN. Under the classification of miners.

Acting Chairman COMMONS. It wasn't all day work?

Mr. DRENNAN. That is, the majority of it. Under certain systems you see the system changes from contract pick work to contract machine work, that is where the difference changes. Then the scale of wages, it requires another modification of the scale to put the machines in the mine. However, that is takn up and agreed on just the same as if we were going into conference to make a contract with the operators, the operators represented by the commissioner. I represent the coal miners, and we take the matter up of that condition with the superintendent of the mine there, and I have the committee of the coal miners, and we go into details and discuss it.

Acting Chairman COMMONS. What other mine have they outside of Tracy?

Mr. DRENNAN. That is all I know. Recently they have taken the Tracy mine over so far as I know, at least it is considered so.

Acting Chairman COMMONS. Any other questions?

Commissioner GARRETSON. Mr. Drennan, in this matter of seven-day working, as a labor man who has dealt for wage for a good many years, do you or do you not believe that the practice of working seven days has a tendency to bring about a condition where the seven-day man only gets as much in the year as the six-day man?

Mr. DRENNAN. Absolutely so.

Commissioner GARRETSON. That it produces in statistics an unfair estimate of what a man's wage is, or a man's earnings for the year?

Mr. DRENNAN. Yes, sir; absolutely.

Commissioner GARRETSON. Unless the fact is brought out that he has worked 52 days more in the year than the average laborer does.

Mr. DRENNAN. Yes, sir; absolutely.

Commissioner GARRETSON. In your business does vein depth run the same all over the State—thickness of vein?

Mr. DRENNAN. No, sir.

Commissioner GARRETSON. Does it run the same in the same district?

Mr. DRENNAN. No, sir.

Commissioner GARRETSON. The thickness of vein will cut a very considerable figure, will it not, in the earnings under the tonnage system?

Mr. DRENNAN. Yes; it does, to a great extent.

Commissioner GARRETSON. And the clearness of the vein, or the presence of reject material?

Mr. DRENNAN. That is where the matter lies more than anything else.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Mr. Lennon?

Commissioner LENNON. Mr. Drennan, what system have you in this district as to taking care of grievances of men? Suppose the men are discharged by the foreman, or by whoever has the power of discharge at the mine, does the union take the matter up with the employers, or how does it come about? Do the men make complaint, or how are those things handled?

Mr. DRENNAN. That is provided by contract. The matter is first handled—the individual concerned has the right under our contract to take his own grievance up first to see if he can settle it. If he fails, then we have a mine committee. The individual can go to the mine committee and lay his case before the mine committee. If they think there is any injustice done the individual, then they can go to the mine foreman, and can take the matter up and discuss it again from that point of view under the terms of contract which provides for the working conditions. If they fail to agree then there is an executive committee of that union in that locality where we have a local union at each mine. The executive committee comprises the executive officers of the local union—president, financial secretary, and the vice president. They meet the superintendent of the mine, and they in turn take the matter up and discuss it with him, being removed from the first part of the case all concerned. In a great many instances they are enabled to settle those grievances. However, there are hundreds of them where the claim goes on up, which is provided by contract that in case they disagree then it provides that the matter shall be sent to the commissioner of the mining coal operatotrs' association and the president of the district.

Acting Chairman COMMONS. That is yourself?

Mr. DRENNAN. Then we come on the ground; we go to the locality involved and get the witnesses together and take the matter up in that line. And in many instances we settle the grievances. Lots of the time we have to continue the case, which is a provision made that it goes to the international organization, and then the commissioner has the right to get in on the case again. And in case of we will say a discharge and it is proven that an injustice is done this man, after traveling this course, and he has been idle 15 days, the company has to compensate him for 15 days' work.

Commissioner LENNON. How long have you been a coal miner?

Mr. DRENNAN. About 27 or 28 years.

Commissioner LENNON. What I wanted to find out now is, does this procedure of handling grievances reduce the number of discharges in the mines, or are there just as many discharges as there were before the system existed?

Mr. DRENNAN. Oh, it reduces it.

Commissioner LENNON. Materially reduces it?

Mr. DRENNAN. Oh, yes; oh, yes.

Commissioner LENNON. Well, now, suppose the man is discharged and unjustly discharged, but he makes no complaint to anybody, he simply accepts it and goes away. Then, would the union intervene? The man has to start the complaint, does he?

Mr. DRENNAN. Yes; absolutely so.

Commissioner LENNON. That is the way it is handled?

Mr. DRENNAN. Yes, sir.

Commissioner LENNON. About the cost of these appeals, that is borne by the union, and by the operators' association on their side; it don't fall back on the individual miner in any case, does it?

Mr. DRENNAN. Oh, no; no; the organization stands the expense.

Commissioner LENNON. In the coal-mining business throughout the country and throughout the world, as you know it, what about the six-day work policy? What is the policy of coal miners in the United States on that subject?

Mr. DRENNAN. Well, the policy, so far as I know, the places that I have worked—I have worked pretty much west of the Ohio, clear to the Pacific coast. There are places in the West, or was a short time ago, where they work seven days a week. They were in a position that they could not get away from it. There was no organization there, and they were forced to do it. If you

didn't work on Sunday, why, you didn't have any job on Monday. But, of course, the organization, and since they have got to that point in the making of contracts the operators are very well satisfied, I think, with six days a week. In fact, it don't require seven days a week. There is an overproduction of coal even in this State, and there are only a few mines. Of course, we are surrounded by mines both in Utah on the south of us, and south and west of us, and the line on the other side, which their coal field lays right on the line. Crows Nest Pass is right on the boundary of Montana, and Wyoming is right next to us. Sheridan County is practically a part of Montana, and we are surrounded by coal. In every respect, therefore, there is an overproduction of coal.

Commissioner LENNON. Have you ever worked in a mine where the seven-day rule prevails?

Mr. DRENNAN. Oh, yes; yes, sir.

Commissioner LENNON. Well, what does your observation teach you as to the amount of production by the mine for, take the winter season—will they produce more coal, taking the entire six months of winter, or seven months of winter, with the seven-day rule prevailing or with the six-day rule prevailing?

Mr. DRENNAN. Well, I would say this, it is just according to whether you are working on the contract basis or wage contract—day-wage basis. I don't think there is any individual man I know will dispute the fact that a man will do more under contract than he will under day wage. There is no question about that; that is not disputed by anybody. I think that is reasonable.

Commissioner LENNON. That is piecework?

Mr. DRENNAN. Yes; he will naturally go ahead and produce more that way than he will the other way, so you will have to compare it from one to the other; it will have to come from the day-wage standpoint or the contract standpoint. However, taking in consideration the day-wage production in those mines where you are compelled to work seven days, you practically have a task to fill. If they don't fill it, they want to know why. They generally find out why, too, as a rule; that is, I am speaking of the company or the foreman in charge.

Commissioner LENNON. That is all, Mr. Chairman.

Commissioner GARRETSON. Does the Anaconda Co. mine only for its own consumption or for market purposes?

Mr. DRENNAN. Well, really I could not say.

Commissioner GARRETSON. You don't know?

Mr. DRENNAN. I am not in position to say.

Commissioner LENNON. Their coal is all shipped, is it?

Mr. DRENNAN. It is all shipped.

Mr. EVANS. They sell a little.

Commissioner GARRETSON. They are in the market?

Mr. EVANS. They sell a little.

Mr. DRENNAN. I am told so, but I could not say.

Commissioner GARRETSON. Your organization holds and practices that the protective feature of the organization is of just as much importance as the wage fixing?

Mr. DRENNAN. Absolutely so.

Commissioner GARRETSON. Mission?

Mr. DRENNAN. Yes, sir.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Are there any nonunion miners in this State?

Mr. DRENNAN. No nonunion coal miners; no, sir.

Acting Chairman COMMONS. Are they such in adjoining States?

Mr. DRENNAN. Well, Utah has all nonunion miners.

Acting Chairman COMMONS. How does your scale compare with the scale in other States where you have agreements?

Mr. DRENNAN. Well, we have a much higher scale than any State except Washington.

Acting Chairman COMMONS. Except Washington?

Mr. DRENNAN. That is, I am speaking of the day-wage rate, understand. As far as the contract basis is concerned, it is pretty much the same that is earned, comparing a man getting out coal. For instance, I can explain it better this way: We have mines in this State that work by the undercut machine, mining machine, understand. We have mines in this State where they undercut the coal, and the miner shoots it down and loads it into the car. He gets a lesser price than the man that shoots it off of the solid or mines

if off of the solid and loads it out. For instance, we have men in the State that get 73 cents a ton for solid work; that is, you know, working off the solid—and 51½ cents for the same work; that is, contract, you understand, so you see——

Acting Chairman COMMONS. I am taking either.

Mr. DRENNAN. The man that works behind the machine has got to load more coal than the other fellow.

Acting Chairman COMMONS. Yes, I know; but take the machine scale in this State and the machine scale in adjoining States for similar work.

Mr. DRENNAN. Oh, we have a higher machine scale than they have.

Acting Chairman COMMONS. And the pick rate is higher, too?

Mr. DRENNAN. Yes.

Acting Chairman COMMONS. For the same class of work?

Mr. DRENNAN. Yes, sir; but then I have got to explain that, too, so there is no misunderstanding. We have in this State a semibituminous coal. It is between a lignite and bituminous coal. In the adjoining States they have a purely lignite coal. Their veins are high. They have some veins in Wyoming, you know, that is 60 to 70 feet thick, and in the Sheridan field is a large vein that is 10, 12, or 14 feet. Well, their system of taking the coal out there has no comparison with ours. We have one vein in this State that works about 13 feet, and there is about 2 feet of dirt and rock, now that has to be picked out by the miners.

Acting Chairman COMMONS. Take it on the basis of earnings, then, daily earnings.

Mr. DRENNAN. Well, the daily earnings compare practically the same as far as the contract is concerned. Our day scale is higher than theirs. Their highest rate in Wyoming is three forty, and our highest rate is three eighty; that is, for the miner, truckman, etc. Our low-class labor in this State is three forty compared to their highest rate.

Commissioner GARRETSON. Do you know what the wage is in Utah for the same class of men?

Mr. DRENNAN. I don't know. I don't think there is anybody can tell you that.

Commissioner GARRETSON. It is the caprice of the employer?

Mr. DRENNAN. That is exactly it.

Acting Chairman COMMONS. You are not acquainted with the workings of the unions in Butte further than you have already mentioned, are you?

Mr. DRENNAN. Well, I haven't—you know I am not thoroughly acquainted with their conditions. I could not say a great deal about that. I have been in Butte on a number of occasions and met some of their officials at different times. I don't know anything practically about their business, and I am not much of a hand to mix in anybody else's business. I have got all of my own to attend to myself in my line, and it keeps me on the road practically all the time. There is hardly a day of the week that I am not some place settling up some matter of some character so far as the miners are concerned.

Acting Chairman COMMONS. Have you never been called in by them to give them advice?

Mr. DRENNAN. Which; in the Butte situation?

Acting Chairman COMMONS. Yes.

Mr. DRENNAN. Well, not officially, only once; and then I didn't meet the individual that called me in.

Acting Chairman COMMONS. You didn't give them any advice, then?

Mr. DRENNAN. No; I didn't give them any advice. I never was asked for it outside of once, and I didn't happen to meet the individual that sent me the request, through some strange circumstance.

Acting Chairman COMMONS. Is there anything else?

Commissioner GARRETSON. Just one question, and that question you are at perfect liberty to answer or not, just as you desire. From your general knowledge of the methods that have obtained in the conduct of contractual affairs in this mining district, would you consider it a desirable method to follow yourself as an officer of the union?

Mr. DRENNAN. You mean in this locality here?

Commissioner GARRETSON. Yes.

Mr. DRENNAN. I should say not.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. That will be all, Mr. Drennan.

Mr. Madden; is Mr. Madden present; Dan Madden?

Mr. EVANS. I understood you would not want him. Oh, Dan Madden. Mr. Chairman, may I inquire as to the data you desired me to get about the coal mining concerning our Washoe mine or other mines, the number of days that they have worked for a period of years past that they have operated, and the minimum and maximum earnings of the men?

Commissioner LENNON. Yes; day men and contract men.

Mr. EVANS. Yes; it would be hard——

Commissioner LENNON. A couple of years would be enough for it.

Mr. EVANS. One year?

Commissioner LENNON. A couple of years at the most.

Mr. EVANS. Well, what I was in doubt about was whether you want us to try to average what they make. That would be rather difficult, I think; they are changing all the time.

Acting Chairman COMMONS. No.

Commissioner LENNON. How many days they work and what their rate is.

Mr. EVANS. Well, their rate, of course, is in this contract.

Acting Chairman COMMONS. The number of days operating during the year for all of your coal mines.

Mr. EVANS. Yes; we have only—have two in the State now, and a small one in northern Montana—the Washoe.

Acting Chairman COMMONS. You have another one outside?

Mr. EVANS. At Diamondville, Wyo. Would you like to have that, too?

Acting Chairman COMMONS. Yes; and the wage scale there, too.

Mr. EVANS. I would like to ask Mr. Drennan. I am not sure but they are under the same scale. [Addressing Mr. Drennan:] Are they under the same scale at Diamondville, Mr. Drennan?

Mr. DRENNAN. I beg your pardon?

Mr. EVANS. Are they under the same scale at Diamondville?

Mr. DRENNAN. No, sir.

Mr. EVANS. They have their separate contract there?

Mr. DRENNAN. Yes.

Mr. EVANS. Well, I can get that for you.

Acting Chairman COMMONS. Yes.

TESTIMONY OF MR. DAN MADDEN.

Acting Chairman COMMONS. Mr. Madden, will you give your name to the reporter?

Mr. MADDEN. D. Madden.

Acting Chairman COMMONS. What is your occupation, Mr. Madden?

Mr. MADDEN. Carpenter.

Acting Chairman COMMONS. Carpenter in Butte?

Mr. MADDEN. In Butte.

Acting Chairman COMMONS. You are president of the central organization, are you?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. What is the name of that organization?

Mr. MADDEN. The Silver Bow Trades and Labor Council.

Acting Chairman COMMONS. What organizations are eligible and are members?

Mr. MADDEN. Why, there are about 40 different unions affiliated with the Silver Bow Trades and Labor Council. I could give you a list of the different unions if you wished me to.

Acting Chairman COMMONS. It includes all classes?

Mr. MADDEN. Includes all classes, the Workmen's Protective Union, and all classes.

Acting Chairman COMMONS. Affiliated with the American Federation of Labor?

Mr. MADDEN. Affiliated with the American Federation of Labor.

Acting Chairman COMMONS. Does the carpenters' union make a separate scale with the Anaconda Co. and with the master carpenters in the city of Butte?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. What is the difference in the scale?

Mr. MADDEN. The difference in the scale is the carpenters working for the companies work on a sliding scale. It all depends on the price of copper. We

get 4 and 6 bits per hour. The carpenters that work around the city get $7 per day.

Chairman COMMONS. What is the highest pay they have gotten on the sliding scale with the company?

Mr. MADDEN. Four dollars and seventy-five cents.

Acting Chairman COMMONS. And $6, did you say?

Mr. MADDEN. Seven dollars for the scale downtown.

Acting Chairman COMMONS. How long has this $7 scale been in effect?

Mr. MADDEN. It has been in effect about—in my judgment, about 10 months, or probably a year.

Acting Chairman COMMONS. What was the scale prior to that?

Mr. MADDEN. Six dollars.

Acting Chairman COMMONS. How long had that been in effect?

Mr. MADDEN. That had been in effect for about three years, I presume.

Acting Chairman COMMONS. And what preceded that?

Mr. MADDEN. Five dollars.

Acting Chairman COMMONS. And how long had that been in effect?

Mr. MADDEN. That had been in effect about 15 or 16 years, probably.

Acting Chairman COMMONS. That had been the scale for 15 or 16 years—$5?

Mr. MADDEN. Yes, sir; at that time——

Acting Chairman COMMONS. At that time what was the scale with the Anaconda Co. when you had the $5 scale for carpenters outside?

Mr. MADDEN. Four and a half.

Acting Chairman COMMONS. So there has always been a difference. There was one time here in Butte that they paid more in the companies to carpenters than they did down in the city. That is some years ago. I presume it is 28 or 29 years ago. Were you here at that time?

Mr. MADDEN. No, sir; I was here a few years later.

Acting Chairman COMMONS. What was the difference then?

Mr. MADDEN. There was about 4 bits difference, 50 cents.

Acting Chairman COMMONS. Fifty cents; that is, the company paid 50 cents more than the contract?

Mr. MADDEN. Than the contract.

Acting Chairman COMMONS. About 20 or 30 years ago?

Mr. MADDEN. About 28 years ago, I presume.

Acting Chairman COMMONS. So that gradually you have increased this differential. First the contractors paid less, then they paid 50 cents more, then they paid increasing amounts at different times until now it is——

Mr. MADDEN. Seven dollars.

Acting Chairman COMMONS. It is how much?

Mr. MADDEN. Seven dollars.

Commissioner LENNON. And four seventy-five?

Mr. MADDEN. And four fifty, at the present time.

Commissioner LENNON. Four fifty and seven?

Mr. MADDEN. And $7.

Acting Chairman COMMONS. Two dollars and a half difference.

Mr. MADDEN. Two and a half difference.

Acting Chairman COMMONS. What was the reason for making this difference during this period of 30 years?

Mr. MADDEN. The difference in making the changes in the wage scale down town and the company scale is that the down-town men, as we call them, don't get any more than half time, don't work half time in the year.

Acting Chairman COMMONS. You mean six months?

Mr. MADDEN. I mean six months, and they work steady on the hill, so that the man that works on the hill gets more wages at the end of the year than the man that works down town.

Acting Chairman COMMONS. Is there any class of carpenters down town that gets steady work?

Mr. MADDEN. I don't know of any; there may probably be two or three.

Acting Chairman COMMONS. Two or three men?

Mr. MADDEN. Two or three men.

Acting Chairman COMMONS. How many men are there in the union?

Mr. MADDEN. There are at the present time 690, or probably there are 700. There are 690 at least.

Acting Chairman COMMONS. Then you would say that out of about 700 men that 2 or 3 are getting steady work the year through at $7?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. Not more than that?

Mr. MADDEN. Not more than that to my knowledge, but probably there is. But I would not say that there is.

Acting Chairman COMMONS. Have you any official position in the carpenters' union?

Mr. MADDEN. No, sir; none.

Acting Chairman COMMONS. Would there be anyone in the carpenters' union that would have more accurate knowledge than you?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. Who would that be?

Mr. MADDEN. Why, the business agent would have.

Acting Chairman COMMONS. What is his name?

Mr. MADDEN. Aleck Martin.

Acting Chairman COMMONS. What is his address?

Mr. MADDEN. His address? Now, I don't know, but you could get him at the carpenters' hall at noon to-day, at 12 o'clock. I could find out his address, though.

Acting Chairman COMMONS. That is sufficient on that point. You would know whether carpenters preferred the steady job at the Anaconda or the $7 job, outside of those two or three with contractors. What is the preference amongst carpenters?

Mr. MADDEN. Well, to my knowledge the men that are working for the companies are more satisfied than the men that are working around town. They prefer—the men that are working for the companies—prefer to work for them than they do down town.

Acting Chairman COMMONS. You have talked with numbers, have you?

Mr. MADDEN. Yes, sir; I have talked.

Acting Chairman COMMONS. Have you worked yourself for the company?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. And have you worked down town?

Mr. MADDEN. I have worked—yes, sir; I have worked around town.

Acting Chairman COMMONS. Have you had a steady job with the company?

Mr. MADDEN. Not a steady job; no. Probably I would have one for a year, six months or a year, three months along, but not steady work with them. I have worked as high as six years with the one company.

Acting Chairman COMMONS. Do all the men working for the company have steady work?

Mr. MADDEN. Well, the majority of them do, except as it comes the same as they have at the present time, a curtailment of the output, then the carpenters are laid off as at the present time.

Acting Chairman COMMONS. I am not speaking of a special event like this, but generally all the carpenters there have steady jobs?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. The company, in other words, has a steady force of carpenters while it is operating the mines?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. About how many are employed there?

Mr. MADDEN. Really I could not answer the question, how many carpenters are employed at the different mines. Sometimes there will be probably as high as 50 or 75 working in some of those mills and mines.

Commissioner LENNON. Are half the membership of your union carpenters who work in the mines? You say you have 700; do 350 of them work in the mines?

Mr. MADDEN. I don't believe it is quite that much.

Commissioner LENNON. Well, do 250 work in the mines?

Mr. MADDEN. Yes, sir; there is 250, I believe.

Commissioner LENNON. Somewhere between 250 and 350?

Mr. MADDEN. To my judgment, yes, sir.

Acting Chairman COMMONS. Has the Butte Miners' Union No. 1 been a member of this central body?

Mr. MADDEN. No, sir.

Acting Chairman COMMONS. Has it ever been a member?

Mr. MADDEN. Not to my knowledge.

Commissioner LENNON. How long have you been president?

Mr. MADDEN. This is my second term, I should say seven months.

Acting Chairman COMMONS. Has that union been eligible to membership?

Mr. MADDEN. I don't believe it has.

Commissioner LENNON. Let us clear that up. Mr. Oliver, has the Butte Miners' Union been a member of the central body?

Mr. OLIVER. Yes, sir; at one time.

Commissioner LENNON. Some years ago?

Mr. OLIVER. Yes, sir.

Commissioner LENNON. How long since?

Mr. OLIVER. I think something like 14 or 15 years since it was a member of the Silver Bow Trades and Labor Council.

Acting Chairman COMMONS. It has not been a member since your connection with the central body?

Mr. MADDEN. No, sir.

Acting Chairman COMMONS. How long has it been eligible to be a member?

Mr. MADDEN. To my knowledge I don't know as the miners' union ever made application for to have delegates sent to the central body.

Acting Chairman COMMONS. Are only organizations affiliated with the American Federation of Labor eligible, are they?

Mr. MADDEN. There are others that are not affiliated with the American Federation that have delegates to the council.

Acting Chairman COMMONS. Oh, there are others. Are there at the present time others?

Mr. MADDEN. At the present time I believe there is one or two.

Acting Chairman COMMONS. Are you familiar with any reason or do you know any reason why it has not made application for membership?

Mr. MADDEN. I do not.

Acting Chairman COMMONS. You have no knowledge?

Mr. MADDEN. I have no knowledge whatever.

Acting Chairman COMMONS. Has the central body ever extended an invitation to this union?

Mr. MADDEN. Not to my knowledge.

Acting Chairman COMMONS. Is it the policy or is it not the policy of the central body to secure adherents of all labor unions in the localities?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. But you have not endeavored to secure the adherence of this union?

Mr. MADDEN. No, sir; we have not.

Acting Chairman COMMONS. You have made an exception in that case?

Mr. MADDEN. Not particularly; no, sir.

Commissioner GARRETSON. Is this the largest union in the Territory?

Mr. MADDEN. Which?

Commissioner GARRETSON. The miners?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. Up to recent times?

Mr. MADDEN. Yes, sir.

Commissioner GARRETSON. Yes; up to the time as it is mentioned as being in existence or dominating the situation?

Mr. MADDEN. Yes, sir.

Commissioner GARRETSON. The 13th of July, was it?

Mr. MADDEN. June.

Acting Chairman COMMONS. Has the central body cooperated with the miners' union notwithstanding it not being a member?

Mr. MADDEN. Yes.

Acting Chairman COMMONS. In what way has it cooperated?

Mr. MADDEN. It cooperated with the miners' union in taking up matters pertaining to the union at the time there were grievances with the employers. It took up the matter and a committee was appointed—Silver Bow Trades and Labor Council took up the matter with the miners' union, and also appointed a committee to investigate the trouble.

Commissioner LENNON. Investigate what?

Mr. MADDEN. Trouble.

Acting Chairman COMMONS. When was the first occasion that grievances of this kind were taken up on the part of the central body on behalf of the miners' union?

Mr. MADDEN. To my knowledge it was a year ago this month, in August.

Acting Chairman COMMONS. What was that grievance?

Mr. MADDEN. That grievance was to investigate the hospital for consumptives located at Deer Lodge Valley. There had been a grievance brought in to

the Silver Bow Trades and Labor Council that the county commissioners would not make application for admission to this institution. There was two complaints brought in that miners that wanted to go to the institution made application to the county commissioners, and they wouldn't do nothing for them.

Commissioner GARRETSON. What is that, a State institution?

Mr. MADDEN. A State institution; yes, sir.

Acting Chairman COMMONS. A State institution for tuberculosis?

Mr. MADDEN. For tuberculosis; yes, sir. So that matter was taken up and there was a motion made for a committee of three to be appointed to investigate. That committee of three was appointed, and they went to the miners' union and asked for a like committee from the miners' union to work in conjunction with the committee from the Silver Bow council to investigate that case, which the miners' union done.

Acting Chairman COMMONS. What was the next instance of cooperation?

Mr. MADDEN. The next instance of cooperation was in regard to the air brakes and the heating of the vestibules on the street railways cars.

Acting Chairman COMMONS. Did the grievance come from the miners' union to the Silver Bow Trades and Labor Council?

Mr. MADDEN. No, sir.

Acting Chairman COMMONS. How did it originate?

Mr. MADDEN. It came from the—some of the delegates of the Amalgamated Street Car Union.

Acting Chairman COMMONS. What was the connection of the miners' union with the grievance?

Mr. MADDEN. The miners did not have no grievance. When the grievance was brought into the Silver Bow in regard to the heating of the vestibules and the calling for the air brakes there was also a committee of three appointed at that time, and that committee likewise went to he miners' union to ask them to work in conjunction with them.

Acting Chairman COMMONS. What was the next instance of cooperation?

Commissioner GARRETSON. In those two instances, did they cooperate?

Mr. MADDEN. Yes, sir. The next was, I believe, on the picnic for Labor Day.

Acting Chairman COMMONS. Did they have a joint picnic?

Mr. MADDEN. They had a joint picnic.

Acting Chairman COMMONS. What was the next?

Mr. MADDEN. I don't remember of any other.

Acting Chairman COMMONS. You spoke of investigation of recent trouble. What did the central body——

Mr. MADDEN (interrupting). In what trouble?

Acting Chairman COMMONS. You said that the central body appointed a committee to investigate recent trouble, did you not?

Mr. MADDEN. Yes, sir.

Acting Chairman COMMONS. Did the central body appoint such a committee?

Mr. MADDEN. Oh, no, sir; not the recent trouble. I never said anything about that.

Acting Chairman COMMONS. I misunderstood you. Those you mentioned are the only instances in which the central body has acted with reference to the affairs of the miners' union?

Mr. MADDEN. To my knowledge.

Commissioner LENNON. That is, that is within the term you have been president?

Mr. MADDEN. Well, that occurred before I was president. I was a delegate there. But since I have been president there have been no——

Commissioner LENNON. Have you any knowledge of, say the last 10 years, of the miners' union assisting in the matter of improving the condition of the clerks and other organizations about the town, cooperating with the Silver Bow Trades and Labor Council?

Mr. MADDEN. I have not. I wasn't a member or delegate to the Silver Bow Trades and Labor Council at that time.

Commissioner LENNON. You are just covering the things that come under your knowledge?

Mr. MADDEN. The things that come under my knowledge; yes, sir.

Commissioner LENNON. You don't mean it shall be understood as covering all the cooperation that has ever existed here between the Silver Bow Trades and Labor Council and the miners?

Mr. MADDEN. No, sir; not at all.
Commissioner LENNON. That is all.
Commissioner GARRETSON. Has there been causes of—well, possibly criticism or possibly disagreements between the trades and labor assembly and the miners?
Mr. MADDEN. None whatever, to my knowledge.
Commissioner GARRETSON. None to your knowledge. There has been no hostility between the two?
Mr. MADDEN. None whatever.
Commissioner GARRETSON. They have each simply followed their own way?
Mr. MADDEN. Yes, sir.
Commissioner GARRETSON. Only coming together in these instances you have named?
Mr. MADDEN. Yes, sir.
Commissioner GARRETSON. That is all, Mr. Chairman.
Acting Chairman COMMONS. You have followed the testimony regarding the causes of difference which led up to the——
Mr. MADDEN (interrupting). Sir?
Acting Chairman COMMONS. You have followed the testimony regarding the causes that led up to the disagreement in the miners' union?
Mr. MADDEN. I have not?
Acting Chairman COMMONS. You have not?
Mr. MADDEN. I haven't had time.
Commissioner LENNON. You were not here yesterday?
Mr. MADDEN. No, sir.
Acting Chairman COMMONS. That is all, Mr. Madden. Mr. McCusker.

TESTIMONY OF MR. M. McCUSKER.

Acting Chairman COMMONS. Give your name and address.
Mr. McCUSKER. M. McCusker, Livingston, Mont.
Acting Chairman COMMONS. Your occupation.
Mr. McCUSKER. I am now employed by the industrial commission.
Acting Chairman COMMONS. How long have you been a member—a resident of Butte, or are you a resident of Butte?
Mr. McCUSKER. No, sir; Livingston. I have been in Montana about six and one-half years.
Acting Chairman COMMONS. You have made a study of the mortality statistics of this county—life statistics?
Mr. McCUSKER. Yes, sir.
Acting Chairman COMMONS. With reference to the subject of consumption?
Mr. McCUSKER. I have.
Acting Chairman COMMONS. Will you state briefly a summary of your investigation, what you have investigated, and the result?
Mr. McCUSKER. I will. In doing so I wish to merely present to the commission the method by which the investigation was pursued, so that they can have a more thorough knowledge of it. We have compiled tables for each year.
Acting Chairman COMMONS. Have you an exhibit which you will file?
Mr. McCUSKER. This exhibit I will file; yes, sir.[1]
Mr. McCUSKER. This is the monthly table made up by occupations, ages, and nationalities, covering each year and each month.
Acting Chairman COMMONS. Since when?
Mr. McCUSKER. Of all cases from 1907 to 1913.
Commissioner GARRETSON. From what source are these figures taken?
Mr. McCUSKER. These figures are taken from the death certificates of Silver Bow County.
Acting Chairman COMMONS. Are they taken from the official statistics published?
Mr. McCUSKER. They are not taken from any statistics. It is rather peculiar. We have statistics that are not statistics. We have some very good reports and some that are not even good guesses, so that it was necessary to check the death certificates; and after I had checked them the fourth time, verified my figures the fourth time, I got the statistics from the State, so at variance with the facts in the matter that it was necessary to go over the entire matter the fifth time to check.
Acting Chairman COMMONS. When you say that you went over the entire matter, what does that mean—over the death certificates?

[1] Exhibit not transmitted with testimony.

Mr. McCUSKER. Yes, sir; for seven years.

Acting Chairman COMMONS. For all causes?

Mr. McCUSKER. For tuberculosis; and we made then a comparative table——

Acting Chairman COMMONS (interrupting). Just a moment. Have the first one identified.

Mr. McCUSKER. You want it identified for each year or the several years?

Acting Chairman COMMONS. The exhibit as it is will cover the seven years?

Mr. McCUSKER. Yes, sir.

Commissioner GARRETSON. The death certificates are basic?

Mr. McCUSKER. They are the real record.

Acting Chairman COMMONS. You went over this record yourself?

Mr. McCUSKER. Yes, sir; I checked them four times myself, and the assistant checked them once; and although many others checked also, yet every one of those figures was verified by a check of my own. I have here a comparative table showing the deaths in Silver Bow from tuberculosis and from all other causes.

Acting Chairman COMMONS. Will you file that?

Mr. McCUSKER. I will file it.[1]

Mr. McCUSKER. By the growth of tuberculosis I wish to call your attention to this, the vital statistics covering a period of 10 years in America over the registration area is 11.2 per cent for all causes of tuberculosis.

Acting Chairman COMMONS. All kinds of tuberculosis?

Mr. McCUSKER. Yes, sir; exclusive of stillbirths and premature births. The record that I have here shows that in 1907 there were 11 and a fraction of 423/45700 per cent, which is just a trifle higher than 11.2 or the average in the United States. From that there is a gradual increase up to 1913, when it reaches 17-62/11400 of 1 per cent.

Acting Chairman COMMONS. That is deaths from tuberculosis?

Mr. McCUSKER. The deaths from tuberculosis, in comparison.

Acting Chairman COMMONS. Are 17 per cent of the total death record?

Mr. McCUSKER. Yes, sir.

Acting Chairman COMMONS. Exclusive of stillbirths and what else?

Mr. McCUSKER. And premature births. In 1911 it reached 18 per cent and a fraction of about one-tenth.

Commissioner GARRETSON. That includes all forms of tuberculosis?

Mr. McCUSKER. That includes all forms of tuberculosis, and I wish you to keep that particularly in mind. The low death rate from tuberculosis in comparison, and other statistics which I will present, and keep in mind the fact that the fact is that the rate here in Butte covering everybody was comparatively the same as over the registration area of the United States. Will you identify this exhibit?[1]

I have here made a comparative table covering the same periods of deaths of miners and by occupations and per cent. For instance, January, 1907, of all the deaths of tuberculosis—this is merely dealing with tuberculosis deaths, 63-7/11 miners. February, 57 miners.

Commissioner LENNON. What year?

Mr. McCUSKER. 1907, and during the year 1907 there were total deaths of 109 of tuberculosis in the city of Butte or Silver Bow County, and of those 63 were miners, or 57-78/10900 of 1 per cent of miners. In 1907, carrying out the idea, there were 63 died of tuberculosis and 36 killed in the mines, making a per cent of 37-27/72 who either died of miner's consumption or killed in the mines. In 1908 the same thing is carried down until the summary of the total deaths of miners to the whole number was 69-93/10300 of 1 per cent.

Acting Chairman COMMONS. That is miners for all causes?

Mr. McCUSKER. No, sir; miners that died with tuberculosis, the comparison to the whole number of deaths from tuberculosis in this city. In 1908 the total deaths of miners was 244; 72 of those were tuberculosis and 27 killed in mine accidents, which made 41-31/61 per cent in that year. In 1909 there was 168 deaths from tuberculosis in Silver Bow County, and 115 deaths of miners, making 69 per cent of deaths of tuberculosis were confined to miners engaged in mining, and from the two causes in Silver Bow County there was 66-96/23300 of miners died from either tuberculosis or were killed in mines.

Commissioner GARRETSON. Miners' families are not included in the figures of miners at all, but in the other column?

Mr. McCUSKER. Yes, sir; in the other causes. I will call attention to that in a moment. In 1910 there were 144 deaths of tuberculosis in the city, and

[1] Exhibit not transmitted with testimony.

90 of those miners, making 62½ per cent of all tubercular deaths were caused in the mines.

We had for the two causes that year 56 per cent of all miners dying from tuberculosis and mine accidents. In 1911 we had from the causes a death rate of 57$\frac{6}{10}$ per cent of miners die from miner's consumption or from mine accidents, being killed outright in the mine. In 1912 we had 68¾ per cent of all deaths from tuberculosis in Silver Bow County were deaths of miners, and 47$\frac{13}{15}$ per cent—were the deaths of all miners caused by accidents and tuberculosis in comparison to the deaths of all miners.

In 1913 we had 190 deaths; out of those 190 deaths there were 137 died from tuberculosis; there were 137 deaths from tuberculosis in the miners, or 72$\frac{2}{9}$ per cent; and 69$\frac{14}{17}$ per cent of the deaths of all miners was caused by tuberculosis or killed in the mines.

Now, I wish to state to the commission this fact: That this does not include all the deaths of miners from tuberculosis in Silver Bow County, because of the peculiar fact, as I find by making a quiet investigation of many of the physicians here, that many of the physicians here, practitioners, have naturally a great deal of sympathy for men who they have been acquainted with for a number of years, and many of these men have taken out insurance policies and contracted consumption and died before the time limit set in the insurance policy so that they would be able to collect. And I understand also that possibly some of the men have tuberculosis or miner's consumption at the time that they got the policy. Hence, whenever they die, they give it the name of local pneumonia, or something of that kind.

Now, many of the miners here, when he contracts tuberculosis, will leave and go back to their old homes. Miners die who contract tuberculosis in Butte in every country possibly in the world. And that must be taken into consideration. But there is no way by which it can be checked—comparative tables.

Commissioner GARRETSON. You mean checked in the sense of tally?

Mr. MCCUSKER. Yes; you can't go behind the death record. I would like to have these two marked as exhibits.[1]

Mr. MCCUSKER. As far as I was concerned, I did not have access to Dr. Tuttle's report before this time. I have been trying to get hold of Dr. Tuttle's report ever since they have been made and have been unable to do so for one excuse or another. I am very glad to and sometime may be able to say, if my conclusions are at variance with his, it is not on account of wishing to be at enmity or difference, but merely that I have to go ahead with this on an entirely different line from him, and if there is a difference within the merits of either this report or Dr. Tuttle's report they will have to be compared and a conclusion drawn. Either Dr. Tuttle's report is wrong or this report is wrong; either Dr. Tuttle's conclusions are wrong or my conclusions are wrong. It has been stated here that it was owing to the insanitary condition in certain homes of the city, and in connection with that it was inferred that it was owing to the foreign element, and so forth and so on, of insanitary conditions in boarding houses, etc.

Commissioner GARRETSON. Housing conditions?

Mr. MCCUSKER. Housing conditions in general. The table here will show the ages and nationalities——

Acting Chairman COMMONS. Just have it identified.[1]

Mr. MCCUSKER. My information is that the English-speaking races of people in the city of Butte are living in as good sanitary conditions as $3.50 a day will permit. That is my conclusion. And it is my conclusion that the English-speaking races of Butte will compare favorably with the English-speaking races or people in any place on the American Continent. So in order to determine as to whether or not the figures—how the figures would come out, I compared the nationality table, and I found that we had a total death in seven years of 675 from miner's consumption in the city of Butte and the county of Silver Bow. Out of that 675 there were 155 Americans, there were 140 Englishmen, there were 271 Irishmen, and 9 Welsh, and 5 Scotch; and the other nationalities are virtually very small. For instance, we have the Finlanders, I think, with the highest other rate of 38. The number of English-speaking miners who died from tuberculosis was 572 out of this 675, leaving for the foreign-speaking races 103 deaths. Or we had a percentage of English-speaking miners of 84$\frac{20}{100}$ per cent. The figures that have been given to me, were given to me, I believe, by Mr. Evans. Is Mr. Evans here?

Mr. EVANS. Yes.

[1] Exhibit not transmitted with testimony.

Mr. McCUSKER. I understood, or at least that is my understanding, that approximately 75 per cent of all miners working in this camp were English speaking.

Mr. EVANS. I didn't give you that.

Mr. McCUSKER. I didn't get that from you?

Mr. EVANS. You made no inquiry of me.

Mr. McCUSKER. Then it was Mr. Kelley from whom I made inquiry. But, anyway, that is what I think are about the facts.

Mr. EVANS. I don't know.

Commissioner GARRETSON. Testimony has been given here on that, and it is a matter of record.

Mr. EVANS. I think so.

Mr. McCUSKER. Of the 75 per cent of English-speaking miners in the district 84 and a fraction of deaths are English speaking, so that it shows that the prevalence of tuberculosis is not among the foreigners in the city of Butte. But the higher death rate, even if it exists among the English-speaking races, I don't believe the charge of insanitary conditions or insanitary living would hold true.

Commissioner GARRETSON. Then you are a believer in the theory of the Maltese Cross, as you heard referred to here?

Mr. McCUSKER. There is another table here, and then I will refer to the Maltese Cross. Bearing out Dr. Tuttle's theory of insanitary conditions, it would necessarily resolve itself down as to whether or not the tuberculosis was in the homes. I have made a comparative table of deaths of all women and children in the city of Butte, including the housewives, domestics, and children.

Acting Chairman COMMONS. Please identify those.[1]

Mr. McCUSKER. In 1907 there were 109 total deaths here from tuberculosis; there were 10 housewives, 2 at-homes, 6 children, and 1 domestic. In 1908 there were 4 housewives, 2 at-homes, 1 child, and no domestics. In 1909 there were 12 housewives, 2 at-homes, 8 children, and 3 domestics. In 1910 there were 12 housewives, 4 at-homes, 8 children, and no domestics. In 1911 there were no housewives, 2 at-homes, 9 children, and 14 domestics. In 1912 there were 7 housewives, 1 at-home, 11 children, and 3 domestics. In 1913 there was 1 housewife, 1 at-home, 11 children, and 9 domestics. Now, I wish to segregate that report for the benefit of the commission. The children in nearly every instance died of tubercular spinal meningitis, which was caused by syphilitic taints in the parent. The at-homes and domestics—it is my opinion particularly that the at-home deaths from tuberculosis in the restricted district of Butte, the domestics were servants that have been in the employ of servants, and nearly every one of them were foreign, Swiss and Finlanders prevailing.

To get a comparative report right down to the home, and to determine as to what actual effect the insanitary conditions of the home in Butte have to the tubercular rate, it was necessary to segregate and compare the total death rate from tuberculosis with the total deaths of housewives in the city of Butte. The total deaths from tuberculosis during the seven years was 1,021; the total number of housewives dying was 46, or a percentage of $4\frac{516}{1000}$ per cent. So if the housewives now would be more affected with insanitary conditions in the home than anyone else would be because she would be there a much greater length of time, and if there was any truth in the conclusions as to insanitary home conditions, if this table means anything at all it means that it does not hold true. Those are my conclusions. I have here another exhibit I wish you would mark.

Commissioner LENNON. Is that all of that record with regard to tuberculosis?

Mr. McCUSKER. This is the tubercular exhibit, too.

Commissioner O'CONNELL. Under whose auspices was that made?

Mr. McCUSKER. The auspices of the commission.

Commissioner O'CONNELL. How long have you been working on that?

Mr. McCUSKER. Well, now, since approximately—that would have to be explained. I have been working approximately pretty near every night and at least some part of the day, possibly on the average of 16 to 18 hours a day, since the 5th day of July. And in connection with my work has been the assistance of an office force ranging from 5 to 9.

(Five microscopic slides containing samples of ground ore were submitted.[1])

Mr. McCUSKER. I have here a microscopic examination of the ores from the different mines. I will make a report and submit them with my report.

[1] Exhibit not transmitted with testimony.

I merely wish to show that we pulverized certain classes of ore, made it into a very fine dust, and then put it under the microscope to see exactly how the ore would break up, what form it would take after it had broken up. One of the specimens shows that the ore breaks very sharply—that is, most of the fragments of dust have a little hook on them, or sharp places, jagged edges.

My general conclusion, so far as the investigation and figures are concerned, is this: A tubercular germ is a scavenger for civilization virtually—that is, civilization, as we understand it, is combating the nature forces. We try to break down the law of the survival of the fittest. The tubercular germ, when a man is in perfect physical health and condition, will not attack him if his physique—his general system—it in good condition; the germs are incapable of affecting him, and he is capable of resisting them if they do attack him. A man comes here to work in the mine. Now, the mines are, the chances are, as cool as they can be made. I don't know. That is a matter for other men to assert one way or the other; I do not know; but, at least, I know this, that the conditions underground 3,000 feet are not as good as conditions on the surface. In other words, the conditions in a mine are not a health resort. The heat in the mine, the same as in the Tropics, will weaken a man's vitality. The mine is more or less full of dust, such as this ore pulverizes. He is breathing that continually, and the sharp particles with the little jagged edges on the dust hold them into his lungs and gradually cut off the amount—the ability of the lungs to absorb their normal amount of oxygen—which again weakens his condition.

Another thing, he is generally a worker, particularly if he is married and is building a home, he has to work nearly every day of his life. Then if he is going to build a home and educate his children or anything of that kind, it is necessary to again work even harder, put in every shift that is possible for him to put in, which again weakens his condition, owing to the seven shifts. The conditions underground are exceptionally hard. I understand they are good, though I don't make that assertion, but I understand that some do not think it is necessary; but a certain amount of blasting on shifts is done. Then, again, you must take into consideration the sulphide ores. Some places in the mine here, I understand, those ores are burning. The gases from these ores and the gas that would naturally be thrown off from the high-charged sulphur water would all have effect. That would be naturally industrial effect over which no man could have any control. See? Now, I may not be exactly right in regard to whether these fumes from the burning, the oxidization of the sulphide has any material effect or not, but I know there is a complication of different industrial causes which all tend to weaken the physique of a man.

Taking that into consideration with the age of the miners—apparently miner's consumption does not attack the young man; it attacks him at a certain time in life when his physique is actually beginning to weaken. It should not, and in the ordinary man outside, the laboring man who works hard, it does not, but along about the age of 40, 35 to 40, I find it is a decided increase. For instance, there were no miners died below the years of 20; from 20 to 25, there were 14; that is, in seven years; from 25 to 30, there were 30; from 30 to 35, there were 67; from 35 to 40, there were 108; from 40 to 45, 125; from 45 to 50, 140. That is the apex. It suddenly breaks down again, going the other way. So it shows that along at the years when a man is struggling, raising a family, building a home, or acquiring something, it is at that time when he is doing his very best that the tuberculosis seizes him.

Commissioner GARRETSON. Have you compared those figures with the accepted tables of the probability of life?

Mr. MCCUSKER. I have not compared the tables with the statistics, but I did compare a table submitted to me by the State, which was found to be glaringly incorrect.

Commissioner GARRETSON. Well, you take what is known as the fraternal tables, or the old-line tables?

Mr. MCCUSKER. I have not compared them at all.

Commissioner GARRETSON. You have not compared with either of these?

Mr. MCCUSKER. No, sir.

Commissioner GARRETSON. Those are the two accepted tables.

Mr. MCCUSKER. No; I have not compared them with the mortality tables of life insurance companies.

Commissioner LENNON. Did you make any study as to the effect of the use of alcoholic beverages in causing these increasing deaths at certain ages and the breaking down of the constitution?

Mr. McCUSKER. There is not any question but that alcoholic stimulants, the same as any other cause which would tend to break down a man's vitality, has a direct bearing upon tuberculosis. Though, as I said, all those causes which would tend to weaken his physique would be prolific.

Commissioner GARRETSON. It would lessen his power of resistance, his factor of resistance?

Mr. McCUSKER. His factor in tuberculosis.

Commissioner O'CONNELL. Have you any idea as to the number of saloons in the city of Butte?

Mr. McCUSKER. I have never made much of an investigation as to the number of saloons particularly.

Commissioner O'CONNELL. I ask it simply because walking up and down here about every other place seems to be a booze shop.

Mr. McCUSKER. I didn't notice them so much out here. I have not personally noticed very many.

Commissioner O'CONNELL. So if this is a cause, one of the breaking causes toward breaking down a man's constitution, there are certainly a large number of breakdown shops here very close together.

Mr. McCUSKER. It would be, in my opinion, if some such system could be devised to eliminate entirely intoxicating liquors, that it would be a mighty good thing. I do not know whether anything has been successfully devised or not, but merely as a suggestion in this way, that I believe anything that tends to break down a man's physique is an evil in civilization, and should be at least curtailed to a large extent.

If the commission will permit me, I will check these reports before they are finally submitted, if I might have that privilege. Many of these have just come from the stenographer now.

Commissioner LENNON. That is all right; except the records that you have made of statements can not be changed.

Mr. McCUSKER. The record of statements would not necessarily have to be changed. All the figures I have given are the true figures, but some of the other things—there might be a figure struck in the wrong place, or something of that sort.

Acting Chairman COMMONS. Dr. Tuttle.

TESTIMONY OF DR. T. D. TUTTLE.

Acting Chairman COMMONS. Give your name.

Dr. TUTTLE. Dr. T. D. Tuttle.

Acting Chairman COMMONS. And your address?

Dr. TUTTLE. State Tuberculosis——

Commissioner GARRETSON. We can't hear you.

Dr. TUTTLE. State Tuberculosis Hospital at Deer Lodge.

Acting Chairman COMMONS. Your official position?

Dr. TUTTLE. President of the State tuberculosis sanatorium.

Acting Chairman COMMONS. There has been submitted to us an exhibit on the report of your investigation on sanitary conditions in mines, and of the conditions under which miners living in Silver Bow County work. Will you kindly examine them and identify it as to whether it is your report [handing document to the witness]?

Dr. TUTTLE. It is, with one or two typographical errors in it.

Acting Chairman COMMONS. When did you make this investigation, Dr. Tuttle?

Dr. TUTTLE. In the summer and fall of 1912.

Acting Chairman COMMONS. Will you state your method and conclusions that you reached?

Dr. TUTTLE. I studied all the death certificates, a study of the death certificates was made from the death certificates—a study of the death records was made from the death certificates filed with the State board of health under a law known as the registration act, passed through the legislature of 1907, and went into effect some time during the spring of 1907, but was really not in operation until 1908.

Acting Chairman COMMONS. Is this the uniform registration act required by the United States census?

Dr. TUTTLE. The registration act drawn up and sent to me by the United States Census Bureau and was passed by our legislature without amendment.

Acting Chairman COMMONS. Are you yourself connected with the registration office?

Dr. TUTTLE. Not at the present time.

Acting Chairman COMMONS. You examined the original physicians' certificates, did you?

Dr. TUTTLE. The original physician's certificate on file with the State board of health. At that time I was an officer of the State board of health.

Acting Chairman COMMONS. And your figures in this record are based on your examination of those physicians' certificates?

Dr. TUTTLE. Yes, sir.

Acting Chairman COMMONS. What was your next?

Dr. TUTTLE. After the study, or in connection with the work—studying the death certificates was one part of it—a study of the conditions in which mining, and on the surface, was carried on; there were two men working in the mine, one a photographer, the other a physician. He exposed culture plates, took samples of air, samples of drinking water, and photographs of such conditions by flashlight as were considered of special interest. There were two men working on the surface, one man a physician and one man a photographer, who followed the same process on the surface, examining the houses in which miners lived, and the houses in general—the community in which the miners lived. During this time, in connection with the study, these culture plates were submitted to a physician who was employed as a bacteriologist and who studied from a bacteriological standpoint; samples of air and water, drinking water, were sent to Bozeman, where the chemist of the agricultural college was employed, to analyze the air and water. Records were also taken of the temperatures in both wet and dry bulb temperature, so as to secure the humidity in the mines. In connection with the study of the death rates a map of Silver Bow County was secured—a large map—and at each point where a case had died from tuberculosis a pin was put in the map—the locality. The deaths that had occurred in the hospital were not reported at the locality of the hospital but at the point from which they went to the hospital; that is, if a man died in the hospital—St. James Hospital, or Marys Hospital but whose residence was somewhere on Wyoming Street or Iowa Street—that death was recorded at the point at which it came from to the hospital, the effort being to find in what locality tuberculosis was most prevalent in the city.

Having no reports of tubercular cases, we could only use the death certificates as a basis of locating the points at which tuberculosis existed. The statistical study, as the gentleman stated that some of the statistics were not statistics, that is very true; but it is considerably a matter of opinion as to which are statistics. Where the statistics for 1907 came from, I do not know. We had in the State no law relative to registration of deaths prior to 1907, and the working of that law was not in operation at all until the middle of June, 1907, and had not become sufficiently initiated to be of any value until the end of 1907.

Acting Chairman COMMONS. So that the beginning of 1908 is the first year of reliable statistics?

Dr. TUTTLE. Reliable statistics at all; and we were not admitted as a registration State until 1909. My records are not recognized until 1909. They were tested by the United States Census Bureau, tested by examining newspaper reports of deaths, and they checked up our records; and in 1909 we were recognized as a registration State. The study of the death certificates is frequently a matter at which you have to guess. Some doctors are not very careful about how they state the cause of death, or just what they state the cause of death to be; others are very careful. A knowledge of the customs of the practices of the individual physicians is necessary to appreciate the value of a death certificate. You get that knowledge by studying the various certificates of different physicians.

Acting Chairman COMMONS. Well, you were the official in charge of these vital statistics during the period of 1908 until what time?

Dr. TUTTLE. December, 1912.

Acting Chairman COMMONS. You are at present there?

Dr. TUTTLE. No; I am not connected with it now.

Acting Chairman COMMONS. Now, in making that study of the physicians' death certificate, did you accept each certificate at its full value, or did you correct it in the way you have just now described?

Dr. TUTTLE. I have never corrected any, although certain were discarded as valueless.

Acting Chairman COMMONS. Certain reports of physicians?

Dr. TUTTLE. Reports of cases of——

Acting Chairman COMMONS. Deaths from tuberculosis you discarded?

Dr. TUTTLE. No; if they would report a case of death from tuberculosis that would not be discarded, but it would be where there was a question of whether it was tuberculosis or not. For instance——

Acting Chairman COMMONS. About how many of those cases which the physicians reported as tuberculosis did you discard?

Dr. TUTTLE. I never discarded any that were reported as tuberculosis.

Acting Chairman COMMONS. Then, I did not get your point on that.

Dr. TUTTLE. If a physician signed a death certificate like this: "Pneumonia; has had a cough for five or six years; might be tuberculosis."

Commissioner GARRETSON. Only a diagnosis, unless the diagnosis was positive?

Dr. TUTTLE. Unless it was positive.

Commissioner GARRETSON. You discarded it?

Dr. TUTTLE. Discarded those cases.

Acting Chairman COMMONS. All doubtful cases you discarded?

Dr. TUTTLE. Yes.

Acting Chairman COMMONS. About how many would you say were doubtful; what proportion?

Dr. TUTTLE. Oh, I judge the number I discarded was 20 or 30.

Acting Chairman COMMONS. During the entire time?

Dr. TUTTLE. That might have been tuberculosis and might not.

Acting Chairman COMMONS. What is the general conclusion that you reached? Would you state briefly regarding the relative importance of these three factors that have been mentioned, mines, the housing, and the individual matters?

Dr. TUTTLE. It would be hard to say between ill housing and the mines, because they are associated so closely. The mines—undoubtedly the mining occupation furnishes irritation to the lungs. I do not think anybody questions that. The occupation of mining must necessarily furnish a source of irritation to his lungs. You bring that miner out of the mine with his lungs irritated, as it necessarily is, and put him in a house where one has suffered from tuberculosis, and where there is undoubtedly an insufficient amount of air, he is far more apt to contract tuberculosis than is the man who lives—the woman who lives in that house all day, because she has not got this irritated condition in her lungs. The house condition as a direct immediate source of infection, I believe is greater than the mine. Alcohol, I think, bears a strong, a very strong relation to infection with tuberculosis.

I have always believed it, and during the nearly two years I have had charge of the sanitarium I have had it forced home on me stronger than ever before, almost without an exception the miners who have been committed to the sanitarium have been heavy drinkers and are heavy drinkers. The fight against the liquor habit—is the fight we have with them. It is a strong, hard fight for most of them. I say almost without exception—that don't mean without a single exception, there are several of them that have not been heavy drinkers—but the majority of them—several of them have come there almost in D. T's.

Commissioner GARRETSON. One question on your statement there, doctor. Take the condition of the irritation of the lung which you refer to, which breaks down the man's power of resistance and renders him liable to infection, would you from your conclusions tell us what proportion of responsibility for that condition in the case of infection you would place upon the occupation which created the condition of irritation?

Dr. TUTTLE. Oh, I would place a very large per cent of the responsibility on the occupation.

Commissioner GARRETSON. Because if he was following a pursuit where that irritation did not take place he would have more power of resistance, the same power of resistance as the housewife.

Dr. TUTTLE. Oh, yes. A man working in marble dust gets the same irritation of his lung. He may work there in the marble dust day in and day out and he would not get tuberculosis unless he got around where the bug was.

Commissioner GARRETSON. How about a thrasher man?

Dr. TUTTLE. Not to the same extent because the dust of the thrasher does not keep up so long.

Commissioner GARRETSON. It is only for short periods, anyhow?

Dr. TUTTLE. I have never known it before. It is news to me that syphilis is a source of tuberculosis. I always thought that they were an entirely different species of bug that caused the two diseases.

I wish to state in connection with this map work, the Maltese cross has been mentioned, the Maltese cross just struck me on the map as a peculiar thing. These deaths seem to have occurred in an area that mapped itself out in a Maltese cross. They were in the older parts of the city and the means of disinfecting the houses in which people lived was brought to me so forcibly, that these infections take place in those houses, or else they go back there, and that tuberculosis is a disease that needs disinfection as much as scarlet fever or smallpox—more so than smallpox, because you can vaccinate, and a man who is vaccinated don't have to have smallpox, but you can not vaccinate against tuberculosis.

Commissioner LENNON. Doctor, would you say whether there was more than one death from tuberculosis, indicated by the returns, in the same house?

Dr. TUTTLE. Yes.

Commissioner LENNON. Were there periods, say, one death perhaps in 1908, and then a period of several years elapse before another death would occur?

Dr. TUTTLE. That I do not recall.

Commissioner LENNON. You do not recall that?

Dr. TUTTLE. Take a boarding house, you know——

Commissioner LENNON. Yes.

Dr. TUTTLE. And they have a number of deaths, the majority of them would go to the hospital and die, but they come from that boarding house, that same boarding house.

Commissioner LENNON. You did not investigate as to whether they were occupants of the same room, or anything of that kind?

Dr. TUTTLE. Yes; we did. We find one or two instances where we could follow it back where we found two or three deaths had come from the same house. And we have had the physician that was doing the surface work inquire as to whether these men occupied the same room. And in one or two instances we found they had occupied the same room. I found that with patients at the sanitarium that have occupied the same room, the man who had died of tuberculosis a short time before.

Commissioner GARRETSON. One other question: Doctor, medical experts always dodge hypothetical questions when they are on the witness stand, as a rule. I want to put one, but I am not going to make it 1,800 words long. If the death rate among men in a certain locality, the men of the family, or the men who reside there was heavy, and the death rate of the family was low, what would that demonstrate?

Dr. TUTTLE. Well, it would demonstrate one of two things.

Commissioner GARRETSON. In a general way.

Dr. TUTTLE. Possibly some of both. That a man's occupation was an occupation that predisposed him to tuberculosis, and that the man, as is a well-known fact, is also a heavier drinker than the woman, might be a good deal in that, he has helped that depressing effect by overdrinking.

Commissioner GARRETSON. On the other hand, if the conditions were—what would it prove in regard to the difference, only that it was insanitary to a degree that overcame low resistance and not high; would that be?

Dr. TUTTLE. That would be a fair proposition.

Commissioner GARRETSON. A fair way of stating it?

Dr. TUTTLE. Yes.

Commissioner GARRETSON. If the reverse was true and the death rate was low among the men or high among the family, then wouldn't it prove that the insanitary conditions was the primal matter?

Dr. TUTTLE. Insanitary condition would be the sole matter?

Commissioner GARRETSON. Yes; I put it as first. That is all.

Commissioner LENNON. Doctor, is it true or not that men in this county exceed in numbers the women to a greater extent than in most counties throughout the United States?

Dr. TUTTLE. That would be just a guess. The same question prevails in the State in regard to these figures.

Commissioner LENNON. I asked the question——

Dr. TUTTLE. Because I do not know how many Irish live here or how many Jews or how many something else.

Commissioner LENNON. I asked the question for the reason that in one of the papers I have seen here I see the number of registered voters given as something less than 18,000. I do not know whether the statement is right or wrong. If that is true, that is an extraordinary number of registered voters for a city of this size. I know no cities in the East that do have that number of registered voters for a city of seventy-five or eighty thousand.

Dr. TUTTLE. I think there is a fair basis to judge that, sir. You take the number of deaths in a locality as an index. You find as many deaths among women as you find among men, and there is something radically wrong for the deaths among women, for there are a good many more men than there are women. And our death records, though I haven't studied them completely, it is in evidence from these reports than we have more men than women in Montana, very decidedly more.

Acting Chairman COMMONS. That is all, Doctor.

TESTIMONY OF MR. M. McCUSKER—Recalled.

Mr. McCUSKER. May I present an exhibit for the commission? It is an exhibit, a comparison here, or correction of the State reports in regard to the actual facts as they exist upon the death records in the city. I wish merely to submit it for what it is.

Acting Chairman COMMONS. What does it show in general?

Mr. McCUSKER. It shows that the State records, so far as tuberculosis and deaths from all causes are concerned, are glaringly inaccurate in comparison to the records on file in the board of health office in Silver Bow County.

Acting Chairman COMMONS. I suppose as far as you and Dr. Tuttle are concerned, both of you have had the original death certificates, so that there is no disagreement.

Mr. McCUSKER. I know I have used a copy filed in this county. The original goes to Helena.

Acting Chairman COMMONS. He used the original at Helena, and you have used the copy in this county?

Mr. McCUSKER. I do not know what he used, but I know I used a copy.

Acting Chairman COMMONS. He says he used the original death certificates at Helena.

Mr. McCUSKER. Where is Dr. Tuttle? Did you have the originals?

Dr. TUTTLE. The originals.

Mr. McCUSKER. Did you take them?

Dr. TUTTLE. I have charge of the health department, and I took the original certificates; had them right in my hand.

Acting Chairman COMMONS. And he took it from the original and you took it from the copy. Is that a carbon copy?

Mr. McCUSKER. Carbon copy.

Acting Chairman COMMONS. Did the physician making out the report include the carbon and send one to the office at Helena and one to the office here?

Mr. McCUSKER. I do not know what their system is, but the original copy that was made in connection with the carbon on file here was sent to the office at Helena.

Acting Chairman COMMONS. Presumably they are identical?

Mr. McCUSKER. They are identical.

Commissioner O'CONNELL. In these figures showing the death rate of the various nationalities have you any basis, or did you make any investigation in gathering information—have you a basis as to the total rate per thousand in the nationality so that they could be compared? Unless we have something of that kind, such statistics are absolutely useless.

Mr. McCUSKER. Regarding how many there are here?

Commissioner O'CONNELL. Yes. For instance, how many Irish have you per thousand, how many Germans per thousand, or any per thousand?

Mr. McCUSKER. I have the total here, as near as can be covered. We have 75 per cent English-speaking miners, and I might be able to say that there was 84 per cent of English-speaking deaths among those and 75 or 76 of the——

Commissioner O'CONNELL. How much more of a per cent of English-speaking people are there in your figures than non-English-speaking?

Mr. McCUSKER. I just said there was 75 per cent of the English-speaking people in the district, and 84 per cent of the tubercular deaths of the English-speaking people in the district shown upon the table there.

With regard to the registration figures, you will notice the registration is in the school election, and the women participate.

Commissioner LENNON. It showed the number of women comparatively small.

Dr. TUTTLE. I wish to state with regard to the original death certificates, that the law upon this in this State is: The undertaker secures the family history of the deceased, and he takes that death certificate to the physician who fills in the cause of death, and there is no carbon copy made.

Acting Chairman COMMONS. No carbon copy?

Commissioner GARRETSON. Is the original death certificate on file here, or where?

Dr. TUTTLE. At the State board of health in Helena.

Commissioner GARRETSON. The certificates themselves?

Dr. TUTTLE. The orginal certificate signed by the physician and by the undertaker is on file in Helena. Miss Curits has the charge here, and she can tell you how the records are kept.

Acting Chairman COMMONS. Is Miss Curtis here?

Miss CURTIS. Dr. Horst is here, and he can give you that information.

TESTIMONY OF DR. C. H. HORST.

Acting Chairman COMMONS. What is your position?

Dr. HORST. I am city health officer.

Acting Chairman COMMONS. How long have you been city health officer?

Dr. HORST. About four years.

Acting Chairman COMMONS. Are you in charge of the vital statistics?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. Registration?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. Is it done by you or by some one under your direction?

Dr. HORST. Done by my clerk.

Acting Chairman COMMONS. Who is your clerk?

Dr. HORST. Miss Curtis.

Acting Chairman COMMONS. Does she report to you?

Dr. HORST. Well, the work is done under my direction.

Acting Chairman COMMONS. You examine the certificates?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. Will you explain your system?

Dr. HORST. The death certificates are turned into the health office, as Dr. Tuttle just reported.

Acting Chairman COMMONS. To your health office?

Dr. HORST. Yes, sir. And then we issue a burial permit for the body, and then we make a typewritten copy of the death certificate and file it in our office. Those are the death certificates that Mr. McCusker examined.

Acting Chairman COMMONS. Then he was incorrect in saying that it was a carbon copy?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. It is a typewritten copy?

Dr. HORST. It is a typewritten copy made by the clerk at the health office.

Commissioner GARRETSON. And the certificate then is finally sent to the State board of health?

Dr. HORST. Yes.

Acting Chairman COMMONS. How long have you kept these typewritten copies?

Dr. HORST. Well, I have been here for, as I said, about four years, and during that entire time it has been kept in that way. Our records are from 1907.

Acting Chairman COMMONS. From 1907?

Dr. HORST. Yes.

Commissioner GARRETSON. Had Silver Bow County required these certificates prior to the enactment of the later law?

Dr. HORST. Well, with regard to the law, sir, I am not familiar with it, how long it has been in force, but this I do know.

Commissioner GARRETSON. Either the registration law or—that dates from 1909, doesn't it?

Dr. HORST. 1909.

Dr. TUTTLE. 1907.

Commissioner GARRETSON. 1907. When did it become effective?

Dr. HORST. It became effective immediately, but was not in operation to any degree until about the beginning of 1908. We were not admitted as a registered State, our records were not recognized, until 1909.

Commissioner GARRETSON. That is where the discrepancy comes in in that testimony. You have no personal knowledge of how complete it was in 1907?

Dr. HORST. No, sir.

Acting Chairman COMMONS. Dr. Horst, have you given particular attention to this subject?

Dr. HORST. Beg pardon. I want to get my notes. With regard to the records of our deaths, we have also a large book, and we keep a typewritten copy of each death certificate. That is on a yellow piece of paper. Then besides that we register each death, and we have a very large volume which gives the details of that which is found in the death certificate.

Commissioner GARRETSON. Does the column book vary with the details in the certificate?

Dr. HORST. The first book—no, sir; not entirely; but the last book we have made, the one we have been using for about six months, agrees in every detail with the death certificate.

Acting Chairman COMMONS. Dr. Horst, has this city of Butte a municipal regulation regarding houses, housing, cleanliness, and sanitation of houses?

Dr. HORST. No, sir.

Acting Chairman COMMONS. There are no municipal regulations?

Dr. HORST. No.

Acting Chairman COMMONS. What regulations govern housing conditions?

Dr. HORST. Well, if there are no regulations, we have no regulations regarding the housing—you mean in private dwellings?

Acting Chairman COMMONS. Yes; in private dwellings. There are no regulations?

Dr. HORST. No, sir.

Commissioner LENNON. Have you no power of abatement of a nuisance in a private dwelling?

Dr. HORST. Yes; if it was a nuisance, we have power to go and investigate it and to compel the people to arrest this. For instance, if a man is putting up a building we have no jurisdiction; we assume that they will put it up in a sanitary manner.

Acting Chairman COMMONS. The building permit does not require any supervision by you?

Dr. HORST. No, sir.

Commissioner GARRETSON. Can you declare a nuisance, or is a nuisance established by an action at law?

Dr. HORST. We can declare a nuisance; we have that power.

Acting Chairman COMMONS. What action have you taken in this city toward remedying the housing conditions with reference to abating such things as would come under the head of consumption, the predisposition to consumption?

Dr. HORST. Well, we have taken these measures: We have cleaned the alleys and we have installed garbage cans; we have made the people clean their cesspools; we have made the citizens connect the sewers wherever we could. There were certain people who were so poor that we have allowed them time on it. We have made a great many people that had large buildings improve their plumbing. We have kept as strict a quarantine on houses as possible. We have lately had the doctors report in to us the number of cases of tuberculosis that were living, and in turn have given those to the visiting nurse, who is visiting the homes for tuberculosis. In these cases where people have desired it, we have fumigated the room where people have died.

Commissioner LENNON. Suppose a case of escaping sewer gas is reported to you, can you compel either the evacuation of the house so far as the tenants or concerned or compel the correction of the evil; can you force that?

Dr. HORST. Yes, sir; we can force that.

Commissioner LENNON. Well, who would you serve the process on, the tenant or the owner of the house?

Dr. HORST. The landlord.

Commissioner GARRETSON. Have you any regulations in regard to overcrowding in the matter of lodgings principally?

Dr. HORST. Yes; we have in lodging houses, that each individual person shall have 300 cubic feet of air.

Commissioner GARRETSON. You can do away with the overlodging?

Dr. HORST. Yes, sir; we can; but we have not made any great effort to do that; most of our efforts in the health office so far have been cleaning the city.

Acting Chairman COMMONS. Does your jurisdiction extend underground to the workings in the mines?

Dr. HORST. Well, I don't know. We never have attempted to exert the influence. Most of the mines here are in the county.

Acting Chairman COMMONS. Not in the city?

Dr. HORST. Yes, sir; not in the city.

Acting Chairman COMMONS. What mines are in the city?

Dr. HORST. Well, the Davis-Daly is in the city, but I don't remember any other mines. I don't remember any other mines in the city.

Mr. EVANS. The Original?

Dr. HORST. Yes, sir; the Original.

Acting Chairman COMMONS. Have you ever taken up with any of the officers of the company——

Dr. HORST. No, sir.

Acting Chairman COMMONS (continuing). The question of ventilation or improvement of mine conditions?

Dr. HORST. No, sir.

Acting Chairman COMMONS. With reference to this subject?

Dr. HORST. No, sir.

Commissioner O'CONNELL. How much of a force do you have in your office?

Dr. HORST. I have eight men.

Commissioner O'CONNELL. Eight men?

Dr. HORST. Eight persons; yes.

Commissioner O'CONNELL. They go around inspecting food and different things?

Dr. HORST. Yes, sir; we have two food inspectors.

Commissioner O'CONNELL. Two food inspectors?

Dr. HORST. Two food inspectors; yes. We have two sanitary inspectors—three sanitary inspectors.

Commissioner O'CONNELL. Where do the food inspectors operate?

Dr. HORST. They operate in the city.

Commissioner O'CONNELL. I know; but what I mean is at the stores?

Dr. HORST. They operate everywhere foodstuff is sold, sir.

Commissioner O'CONNELL. Only where it is sold?

Dr. HORST. They operate in the restaurants and in the produce stores and in the butter shops.

Commissioner O'CONNELL. They operate only where it is sold; for instance they don't go, after it is sold, to the houses or hospitals or restaurants?

Dr. HORST. Yes, sir; our milk inspector goes to the restaurants, and we also have inspections of the ice boxes in the restaurants and in the hotels.

Commissioner O'CONNELL. Have you a standard requirement as to the conditions under which a restaurant shall operate?

Dr. HORST. Yes, sir; that is a State——

Commissioner O'CONNELL. The kitchens and hotels and so on?

Dr. HORST. Yes, sir; that is a State law.

Commissioner O'CONNELL. Those are all investigated and given certificates of cleanliness and health?

Dr. HORST. Yes, sir.

Commissioner O'CONNELL. Those certificates are published, they are given a certificate, and is it put up or anything?

Dr. HORST. Well, I think this week in the Socialist will be the first time we have published it.

Commissioner O'CONNELL. This week what?

Dr. HORST. This week it will be published for the first time in the Socialist; that is, in the city. But the State Bulletin published in Helena also gives the results of examinations of butters and of milk and of various things.

Commissioner O'CONNELL. Is there a requirement that it shall be published by law?

Dr. HORST. Not that I know of, sir.

Commissioner O'CONNELL. And why is it being published, for instance, in the Socialist? Why not in the Socialist and some other paper?

Dr. HORST. Well, it is not published in the Standard. It is not published in the Standard because when the first reports came from a study of our milk,

I took them to the Standard office for the purpose of having them published, and it was refused, so I gave it up.

Commissioner O'CONNELL. It is being published gratuitously in the Socialist, is it?

Dr. HORST. Yes, sir.

Commissioner GARRETSON. Was it considered a reflection on local methods, the reason given as the refusal to publish?

Dr. HORST. They gave no reason, sir.

Commissioner GARRETSON. Just refused?

Dr. HORST. They said they would not publish; yes, sir.

Commissioner O'CONNELL. Well, were you prepared to pay for its publication?

Dr. HORST. No; we were not.

Commissioner O'CONNELL. Or did you ask them to publish it as a matter of news?

Dr. HORST. I wanted it put in so that it would help the standard of our milk. I wanted it put in so that all of us who drink milk would know what we were drinking.

Commissioner O'CONNELL. The papers would not cooperate with your department?

Dr. HORST. Well, I don't know, sir. I would not give any reason what they had for not wanting to publish it. So I let it drop.

Commissioner GARRETSON. Was it presented to the other papers?

Dr. HORST. I did not present it to the Miner, but I did take it over to the Standard.

Acting Chairman COMMONS. Does the city have a hospital service?

Dr. HORST. It has a small hospital called the Emergency Hospital.

Acting Chairman COMMONS. Do you have supervision over the hospitals?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. In the city?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. Are cases of consumption, tuberculosis, admitted to the hospital?

Dr. HORST. No, sir. The Emergency Hospital, sir, is used—consists of but a few rooms, is situated over the jail, and it is inttended to take care of people just over night. Occasionally we have people who come there who are seriously injured and who can not be moved for a week or 10 days, but it is merely a first-aid hospital.

Commissioner LENNON. Well, have you charge of the other hospitals—inspection and direction of the other hospitals?

Dr. HORST. Well, we—I think that our ordinance would allow us of that, but we have not made any attempt to inspect them.

Commissioner O'CONNELL. Does your inspection lead you to barber shops?

Dr. HORST. No, sir.

Commissioner O'CONNELL. Is there any requirement about barber shops sterilizing their instruments and furnishing clean towels and all that sort of thing?

Dr. HORST. No, sir.

Commissioner O'CONNELL. The prices would indicate here that they ought to be able to furnish them. I don't know whether they do. But you have no investigation of the barber shops at all?

Dr. HORST. No, sir.

Acting Chairman COMMONS. That is all, Dr. Horst.

Dr. HORST. Well, I would like to state to the commission here why I think the miners die of consumption.

Commissioner O'CONNELL. Why the miners die of consumption?

Dr. HORST. Yes, sir.

Acting Chairman COMMONS. What is your idea?

Dr. HORST. Now, it is my opinion that the miners die of consumption because of the dollar contract system that exists in this town. Everybody——

Commissioner O'CONNELL. The dollar contract system?

Dr. HOIST. Yes, sir.

Commissioner O'CONNELL. You mean this paying $1 a month to the hospital?

Dr. HORST. Yes, sir. Everybody recognizes that in order to cure any malignant disease, whether it is tuberculosis or cancer, that it has to be recognized in its incipiency. If you allow it to develop so that any layman can tell that a miner is dying of consumption, then by sending him to the Montana Tuberculosis Sanatorium you send him down there to die, which he probably does.

Now, this dollar contract system takes these miners' dollars, and they, when these miners go to them for treatment, if they have tuberculosis they get no treatment. They are allowed to go back in the mine and work until the disease stops them from working. That is when they stop working—when the disease stops them; when they are unable to work any longer.

Now, I hold that if the contract miner—the mining doctors would do their duty, that each and every miner should be examined three or four times each year, and that those miners who came down there who had incipient tuberculosis would then be either discharged from service of taken care of properly in a sanitarium until such time as their lungs healed.

If any of you gentlemen would go to the mine doctor and he told you that you were coming down with incipient tuberculosis, and the best thing you could do would be to go down to work in the mine until you died off, you would not think it was very good advice. But that is practically what these fellows are doing. They are taking these miners' dollars and these miners are developing tuberculosis; but instead of trying to help them and cure them, they are sending them down in the mines to stay until such time as the tuberculosis kills them, and then they bury them. But they keep on collecting the dollars just the same.

Commissioner GARRETSON. They don't give them more than the dollar's worth?

Dr. HORST. What is that?

Commissioner GARRETSON. They don't give them more than the dollar's worth in return, is that it?

Dr. HORST. Well, if a man takes—if a man takes a dollar from the miners and contracts to take care of them for their physical ailments, he should take care of them for tuberculosis.

Commissioner GARRETSON. You and I won't disagree on that.

Dr. HORST. Well, so it comes to pass that this is what is the truth, that about 90 per cent of all of us here in this room have got lesions of tuberculosis in our lungs. Now, these lesions may be healed or they may be unhealed, or they may—some of us might have the disease well developed. Now, if we go in the mine and we inhale this dust and we inhale this air—which no person on earth, no matter who he is, could expect would be as good as it is on top—it will start up an irritation in that lung. Now, if this process is in an unhealthy state, this irritating dust will cause extra irritation there, and soon this man will be developing tuberculosis. If he has a healed process of tuberculosis, then the irritating dust can develop tuberuclosis. There are many miners here who have worked 25 or 30 years and they haven't got it, and that is the way I would explain that.

Now, about these housewives, and this thing of people contracting the disease in their own homes, that is about the most absurd thing I have ever heard anybody talk about.

From May 1, 1913, to May 1, 1914, I have collected the number of people who died of pulmonary tuberculosis in Silver Bow County. There were a total of 152 patients died of pulmonary tuberculosis in our city, 147 males and 5 females, and 118 of these males were miners, and 34 of the males were some other occupation. Now I will have you gentlemen understand that many miners after being miners, when the disease gets more or less developed, or before it is fully developed, would take up the occupation of janitor or teamster or farmer.

Commissioner GARRETSON. Surface pursuits.

Dr. HORST. Yes, sir; and that is what pretty nearly these whole 34 are, they are ex-miners. Now, just remember of that number, the terrible home conditions killed off 5 females and 147 males. I don't think there is any question to it, and it is agreed by all medical authorities that in order to cure tuberculosis or any other malignant disease, it must be taken at the beginning and treated then; and no miner, no matter whether Irish or German or Finlander, can ever expect to go with the disease down in the mine and come out anything but worse. That is why miners die of tuberculosis.

Acting Chairman COMMONS. Who has charge of the hospital?

Dr. HORST. One hospital, the St. James Hospital——

Acting Chairman COMMONS. Who is in charge?

Dr. HORST. The charge of that is by the Sisters of Charity. The other one, the Murray Hospital, is presided over presumably by Dr. Murray.

Acting Chairman COMMONS. Is Dr. Murray here?

Dr. HORST. Yes, sir; he sits here to my left.

Acting Chairman COMMONS. Then we will listen to Dr. Murray.

Commissioner GARRETSON. Let me ask the gentleman one question. Can you give us from vital statistics the proportion of men and women that die of tuberculosis the country over?

Dr. HORST. No, sir.

Commissioner GARRETSON. You can't tell the proportion?

Dr. HORST. No, sir.

Commissioner GARRETSON. That is all.

Acting Chairman COMMONS. Dr. Murray.

TESTIMONY OF DR. T. J. MURRAY.

Acting Chairman COMMONS. Give the reporter your name, please, and address.

Dr. MURRAY. T. J. Murray, Butte, Mont.

Acting Chairman COMMONS You have charge of what hospital?

Dr. MURRAY. I have charge of my hospital.

Acting Chairman COMMONS. How long have you had charge?

Dr. MURRAY. I started to build the hospital in 1890, and I have had charge of it ever since.

Acting Chairman COMMONS. What is the form of the contract referred to, this one-dollar contract it is called?

Dr. MURRAY. We haven't any real contract.

Acting Chairman COMMONS. What is the proposition?

Dr. MURRAY. We make the proposition to the mine if they will collect $1 a month for each man that is working there, we will treat them for all diseases not arising from immoral habits or contagious diseases while in the employ of the company.

Acting Chairman COMMONS. This proposition, then, is made with whom?

Dr. MURRAY. Made to the mine.

Acting Chairman COMMONS. To the miners?

Dr. MURRAY. To the mine.

Acting Chairman COMMONS. The miners' union?

Dr. MURRAY. To the mine owners and railroads.

Acting Chairman COMMONS. They collect the dollar from the wages, then?

Dr. MURRAY. Yes, sir.

Acting Chairman COMMONS. And pay it to you?

Dr. MURRAY. Yes, sir.

Acting Chairman COMMONS. How much do you receive a month in that way?

Dr. MURRAY. Well, it varies very much; it is altogther owing to how the mine is working.

Acting Chairman COMMONS. Well, just give an example.

Dr. MURRAY. If they are working along, it has run up as much as $8,000 a month.

Acting Chairman COMMONS. That is the highest; and what is the lowest?

Dr. MURRAY. It runs down to $100 a month, and sometimes even less than that.

Acting Chairman COMMONS. During the past year?

Dr. MURRAY. The past year?

Acting Chairman COMMONS. Yes.

Dr. MURRAY. It has run from six to eight thousand dollars.

Acting Chairman COMMONS. Do you treat these miners for consumption?

Dr. MURRAY. No, sir; we do not. That is a contagious disease and we exclude it from our proposition. We treat them—if a man comes in with lung trouble, we make as thorough an examination as he will allow, a thorough, careful physical examination.

Acting Chairman COMMONS. Then, as far as this contract is concerned, it does not cover consumption?

Dr. MURRAY. It does not cover consumption.

Acting Chairman COMMONS. So that when a man comes in and you ascertain it is consumption, what is your next step that you take?

Dr. MURRAY. If he has consumption, we recommend to him that he has consumption and tell him what he ought to do and persuade him to quit his work in the mine and go to the country if he can, and tell him just as much about consumption that we know.

Acting Chairman COMMONS. Do you keep a record of the number of cases which have come to you which you have diagnosed as consumption?

Dr. MURRAY. Yes, sir; we have a record.

Acting Chairman COMMONS. Can you furnish us that record?

Dr. MURRAY. We have it all in the book. There is a record of it, but it would take a good deal of time to compile it.

Acting Chairman COMMONS. Take the last year, for example.

Dr. MURRAY. It would probably take 10 days' work to get it up.

Acting Chairman COMMONS. How many new cases apply each year?

Dr. MURRAY. I can't tell that.

Acting Chairman COMMONS. Of all cases.

Dr. MURRAY. When a patient comes to our hospital, we take his name and address and then we make the diagnosis and put that on, tell what has been done with him, and follow the record, and keep a record of all of that, and it is on our books.

Acting Chairman COMMONS. Do you make a report to any State authority?

Dr. MURRAY. Do we make a report to any State authority? No, sir; not any more than is required in the way of certificates—death certificates.

Acting Chairman COMMONS. Do you publish an annual report?

Dr. MURRAY. We don't publish an annual report; no, sir.

Acting Chairman COMMONS. You publish no report?

Dr. MURRAY. No, sir.

Acting Chairman COMMONS. You have never considered it necessary to make a report of the total operations?

Dr. MURRAY. Yes, sir; I consider it necessary to make these reports. It would be necessary to keep a more complete record and make bigger reports and get them up, but it costs a great deal and adds expense to us, and we have taken the attitude that if anybody wants the data to use we are willing to give it to them.

Acting Chairman COMMONS. When the case comes in and you fill out the report, do you have it on file?

Dr. MURRAY. That is our record.

Acting Chairman COMMONS. But you have not made any statistical summary?

Dr. MURRAY. No, sir; I haven't.

Acting Chairman COMMONS. You think it would take considerable time?

Dr. MURRAY. It would take time.

Acting Chairman COMMONS. Would you permit the commission to do it?

Dr. MURRAY. Yes, sir; certainly.

Acting Chairman COMMONS. Any questions?

Commissioner GARRETSON. Doctor, how many cases do you average in the hospital? What is your current number of patients?

Dr. MURRAY. We usually run about between 56 and 60 a day per year.

Commissioner GARRETSON. Inmates or visitors?

Dr. MURRAY. You mean——

Commissioner GARRETSON (interrupting). Are those all inmates of the hospital?

Dr. MURRAY. They are patients.

Commissioner GARRETSON. What part of them come there daily?

Dr. MURRAY. These are patients in the hospital.

Commissioner GARRETSON. They are in the hospital?

Dr. MURRAY. Yes, sir.

Commissioner GARRETSON. In addition to that, how many apply for treatment that do not enter the hospital?

Dr. MURRAY. There are patients we visit on the outside and patients we see at the hospital for dressing and treatment and prescriptions, they will run from 75 to 100 a day.

Commissioner GARRETSON. The $8,000. We will take an average, we will take the lower maximum you gave, $6,000 a month. That represents the contributions of 6,000 men?

Dr. MURRAY. Yes, sir.

Commissioner GARRETSON. Each month what proportion of those 6,000 men or their families receive treatment in any form whatever?

Dr. MURRAY. We don't treat the family.

Commissioner GARRETSON. You don't treat the family?

Dr. MURRAY. No, sir.

Commissioner GARRETSON. Nothing but the individual?

Dr. MURRAY. Yes, sir.

Commissioner GARRETSON. What proportion of those 6,000 men present themselves in the ordinary month?

Dr. MURRAY. Well, as I told you, we have about 25—we have from 56 to 60 patients in the hospital a day, part of them are private patients and not in the

mining business at all. Then we would run probably 25 or 30 in the hospital from fractures and injuries a day, and then we will treat, we will dress and visit probably 75 to 100 outside and in the hospital.

Commissioner GARRETSON. A very large proportion of the men that make the payment never avail themselves of your services except in cases of accident?

Dr. MURRAY. Quite a number; yes, sir. It is not necessary, because they are not sick or injured.

Commissioner GARRETSON. Oh, no; I realize that they wouldn't come to you just to get something for their money.

Dr. MURRAY. Certainly.

Commissioner GARRETSON. Unless he complained of something. They are not like a negro I know that bought accident insurance, and he would not have it any more because he had paid seven years and never got anything. I suppose you have men who have paid year after year and never got anything?

Dr. MURRAY. Yes, sir; we have men that send their boys to the hospital to get castor oil to grease the machine.

Commissioner GARRETSON. Have you any idea of the proportion of men who pay the hospital fee who never present themselves?

Dr. MURRAY. No, sir; I could not tell that.

Commissioner GARRETSON. You have no data that would show that?

Dr. MURRAY. No, sir.

Acting Chairman COMMONS. Any other questions?

Dr. MURRAY. Now, I would like to say this much, that these men, a great many of these men that go to their homes, and our doctors visit them at the home and treat them for the tuberculosis, but not in the hospital.

It is a contagious disease, and we feel to have them in the hospital would affect our surgical cases and affect other people, and we think it is dangerous, and we won't take them in.

Acting Chairman COMMONS. Your practice is to treat the man at the home?

Dr. MURRAY. Oh, yes; we treat them at the home.

Acting Chairman COMMONS. All cases of tuberculosis are treated at the home?

Dr. MURRAY. Yes, sir; we make this agreement, but we do treat them at the home, and we treat a great many others at the home, but not in the hospital where it would endanger the people in the hospital.

Acting Chairman COMMONS. I think that covers the ground. Much obliged to you.

Joe Shannon. Is Mr. Shannon here?

Mr. EVANS. Mr. Mathewson sent up this statement that you asked for yesterday.

Acting Chairman COMMONS. Here is an exhibit submitted by Mr. Mathewson.[1]

TESTIMONY OF MR. JOE SHANNON.

Acting Chairman COMMONS. Give your name to the reporter.

Mr. SHANNON. Joe Shannon.

Acting Chairman COMMONS. And your residence?

Mr. SHANNON. Butte, Mont.

Acting Chairman COMMONS. Your street address?

Mr. SHANNON. 1117 Maryland Avenue.

Acting Chairman COMMONS. Are you employed at the mines in Butte?

Mr. SHANNON. Yes, sir.

Acting Chairman COMMONS. What is your occupation?

Mr. SHANNON. I have been following mining.

Acting Chairman COMMONS. How many years have you been employed?

Mr. SHANNON. About 17 or 18, not all the time. There was a part of the time they thought my health was bad, and they gave me a rest.

Acting Chairman COMMONS. You are working now?

Mr. SHANNON. Yes, sir.

Acting Chairman COMMONS. You heard the testimony of Mr. Shovlin here, who was a witness yesterday. Did you hear that testimony?

Mr. SHANNON. No, sir; I did not.

Acting Chairman COMMONS. Did you hear the testimony of Mr. Sullivan?

Mr. SHANNON. No, sir.

Acting Chairman COMMONS. Will you state your idea of the causes that led up to the recent disagreement within the Butte Miners' Union?

Mr. SHANNON. Well, the causes that led up to that, I would have to go back quite a little ways and trace the various events up to the present time.

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[1] Exhibit not transmitted with testimony.

Acting Chairman COMMONS. Well, take the first cause that led up to it.

Mr. SHANNON. About the first cause that I would consider that led up to that had its inception in—what transpired here last month or the month before—was after the Amalgamated got into control here in Butte.

Acting Chairman COMMONS. I didn't get that.

Mr. SHANNON. After the Amalgamated came into Butte?

Acting Chairman COMMONS. Yes.

Mr. SHANNON. That was in 1898.

Acting Chairman COMMONS. What do you consider the first cause?

Mr. SHANNON. The first fight we had with them was for the eight-hour law, that was in 1900. They put up a pretty vigorous fight against the miners here trying to get the eight hours. There were one or two companies here that gave the eight hours, and we appointed a joint committee from the smelters' union and the miners' union to see what we could do with the Amalgamated Copper Co., and one of the men that was on the committee was working for the Amalgamated Copper Co., and we sent them up to interview the powers that be on the hill, and they were told promptly they would never get eight hours, and this man that was working for the company got fired, and he was told he would never get a job on the hill again, which he never did. We then had an election in 1900, and the legislature that was elected—the members of the legislature, of which there were 12 from Silver Bow County, that were elected, were pledged to support the eight-hour day for the miners and smelter-men, which they did in the face of tremendous temptation in the way of bribes over there at the legislature. The eight-hour day then went into effect, and we had to send out circulars all over the country in 1901, right after the bill became a law, notifying organized labor throughout the country to post circulars to state that there was no man wanted in this county because it was overrun with idle men. They started to bring in men, and advertised for idle men to come in. At that time the union had to issue circulars notifying outside organized labor to keep men from coming in here. The bill went into effect in May, 1901, and the Amalgamated Copper Co. didn't give the eight hours for five years later. It has been stated here that they gave it in 1901, but I don't know whether it was a slip of the mind or what it was, but it was not a fact, they didn't enjoy the eight-hour day until 1906, in May, then they were forced to give it.

Acting Chairman COMMONS. What was the next instance?

Mr. SHANNON. The next instance after that was they induced the miners' union to buy 500 shares of stock of the Amalgamated Copper Co. to boost the stock and bear this market.

Acting Chairman COMMONS. Yes. What was the next instance?

Mr. SHANNON. They came pretty nearly that time dividing the union and busting it up.

Commissioner GARRETSON. Did the union buy it as a union, or the individual members?

Mr. SHANNON. They bought it as a union, bought it out of the union treasury. They rushed the hall full of some of their ardent supporters and put it over.

Commissioner O'CONNELL. You say for the purpose of boosting the stock?

Mr. SHANNON. Yes, sir.

Commissioner O'CONNELL. How many shares did they buy?

Mr. SHANNON. Five hundred shares, at $100 a share, and the stock at that time was worth 110, and the bulletins went up in Berlin and on the Bourse, and the other stock exchanges, and the word went out that the horny-handed sons of toil had bought the stock.

Commissioner O'CONNELL. Five hundred shares?

Mr. SHANNON. Yes, sir.

Commissioner O'CONNELL. Do you know how many shares of stock are dealt in on the New York Exchange?

Mr. SHANNON. I could not tell you anything about it. It was just the bait on the end of the line. I will tell you why. We were guaranteed, but we had to keep the stock for a year, but if the stock went down to $30 or $2 we were to receive back our $100 a share, which we did when it went down.

Commissioner O'CONNELL. You didn't buy the stock outright; who did you buy it from?

Mr. SHANNON. Got it from the Daly Bank; John D. Ryan was president. There was quite a general discussion in the union; it took about four or five meetings to decide this. In the meantime one of the trustees had left town,

and they had to elect another. The meeting was held, and after the meeting adjourned—it was 11.20 or 11.30 when the meeting adjourned—he took the funds out of the union, and they changed the banking system in Butte to accept it at about a quarter to 12. The Daly bank was open when he brought down the money.

Acting Chairman COMMONS. What is the next instance?

Commissioner O'CONNELL. The Amalgamated copper stock on the New York Exchange is a very active stock, one of the most active stocks in the exchange. Some days there are dealt in more than a hundred to two hundred thousand shares that change hands in a day.

Mr. SHANNON. But that would not have the effect on the country that this 500 shares had.

Commissioner O'CONNELL. Probably not.

Acting Chairman COMMONS. What is the next instance you have in mind?

Mr. SHANNON. We then had political conditions right here. They called a session of the legislature to enact what was known to them as the fair-trial bill.

Acting Chairman COMMONS. A what?

Mr. SHANNON. A fair-trial bill?

Acting Chairman COMMONS. Fair trial?

Mr. SHANNON. Yes, sir. They closed the mines down. First they gave a barbecue and fed all the miners up, and the next day they shut the mines down. So then after the mines were shut down they had a meeting of the miners' union, and they called on the hill at headquarters from the union. They were the whippers of all the unions in the State. The big union had to whip all the other unions into line. They appealed to the governor to have a special session of the legislature to pass this bill. It cost the State something like twelve or thirteen thousand dollars in the extra session, and at the next general session they wanted it repealed, this fair-trial bill. That caused dissension in the ranks of the miners' union, and all of those things started to widen the breach. It didn't heal it by any means, and it kept coming along down the line until they asked for a raise of wages in 1907. We asked for the raise of wages in 1906 and they gave a voluntary raise of two bits before we asked for the four bits. We then asked for the raise of 50 cents a day, and it was refused.

The next thing there was an amendment offered to our constitution and by-laws asking for this, and at first it was denied, and then they asked for a larger committee that they could do business with; asked for a meeting; it was held. So then it developed that among the things we were going to get was Mr. Ryan, who was the president of the Amalgamated Copper Co., had discovered in looking over the account books or some other things of that kind, that he had about $5,000,000. The dust was on it, and they didn't know it. It was going to waste, and they thought they would invest it and build homes for the miners if they would sign the contract, so that the real estate sharks would not be getting all of our money for rent. That was one of the inducements, and this $4 a day, and they got the $4 from April to November, and that was the only time they enjoyed it for five years.

You must understand also that the miners' union worked for $3.50 a day for 29 years, and then signed a contract they would work for $3.50 a day for 5 years more. After working for 29 years without a contract they signed one then they would work for $3.50 a day.

Acting Chairman COMMONS. What is the next instance?

Mr. SHANNON. Those men who were instrumental in doing this, they went over and bought real estate in Ireland—the most of them, the majority of them did. They went back home and didn't have to stand any of this dust you are hearing so much about.

Acting Chairman COMMONS. What is the next case?

Mr. SHANNON. Well, after that contract expired we had another one for three years, and that is now in vogue, and it will terminate—that is, to those fellows that stand with the union, old No. 1, as they call themselves—next June. By this time the company had complete control of the officers of the union, complete control. The papers used to ridicule any one who would go up to the hall and express an opinion different from those men who the company owned. The papers ridiculed them. Even at the time that they bolted the convention in 1907, the Inter Mountain came out and said they were going to bolt the convention the evening they left. They left Thursday, and the convention was to convene next Monday, and the Inter Mountain had it that they would bolt the convention when it came to order, which they did. They were going according to instructions.

The conditions that exist now and existed when the mines were shallow are entirely different. The mines then were cool. When the men received $3.50 a day the mines were cool, the ground was cool. As they went down in the sulphide the ground got hotter, and it is now a regular hell hole down to the present time, and they do as much work now in the 8 hours as they did in the 10 hours or more. They are compelled to do it because there is an army of unemployed at the surface waiting to take your place, and you are fired and fired indiscriminately. If you are active in union affairs you are blackballed and blacklisted. I have a card that shows you what they do up at the employment office, it might be good to take just a little look at it. In case you don't tell the truth they will do the next thing to you.

Acting Chairman COMMONS. You file that?

Commissioner GARRETSON. Put that in as an exhibit.[1]

Acting Chairman COMMONS. You file that with the commission?

Mr. SHANNON. Certainly.

Commissioner GARRETSON. Do you hold that adage, or is it held to apply to every employee of the Anaconda Co. regardless of whatever position he may occupy?

Mr. SHANNON. In getting the rustling card, that is what it applies to.

Commissioner GARRETSON. In getting the rustling card?

Mr. SHANNON. Yes, sir.

Commissioner GARRETSON. That means only tell the truth in getting the card?

Mr. SHANNON. It does not say. If you tell a lie in favor of the company, it is all right.

Commissioner O'CONNELL. You speak of blacklisting and so on. Can you give us some specific case? Have you been discharged at any time yourself?

Mr. SHANNON. Well, I rustled for work; I could not get it, and I was told the blacklist had been against me.

Commissioner O'CONNELL. Do you work for the company now?

Mr. SHANNON. No, sir; not for that company; I could not.

Commissioner O'CONNELL. How long since you have worked for them?

Mr. SHANNON. Quite a while.

Commissioner O'CONNELL. How long—how many years?

Mr. SHANNON. Probably 12 or 13.

Commissioner O'CONNELL. Have you any specific case of men you know? You yourself have been blacklisted and can't get work?

Mr. SHANNON. Myself.

Commissioner O'CONNELL. Any other cases?

Mr. SHANNON. Several of them; yes, sir; people had to leave here and get out with their families. People from Anaconda came up and could not get work here. They have a system there that they give you a tag; you lose your name. No matter what they christened you, you are given a number. They give you a brass tag and you get a paper tag and go to work with it. If you lose the brass tag, it costs you a dollar. If you come in and there is a blue card hanging up, that means you are discharged and no more work for you. That is the way it has been there, and it is the same way here—the invisible government; the iron hand working all the time.

Commissioner O'CONNELL. If there had been this persistent and consistent discriminating and blacklisting, from the indications we have had, there have been no cases of complaints taken up by the union on this charge with the company?

Mr. SHANNON. If a man robs you and takes your watch, do you suppose you would put him on the stand to be the judge between himself and you?

Commissioner O'CONNELL. I think I would adopt some other method.

Mr. SHANNON. That is what we were trying to do in the union when this fracas came up. That very thing. To better our own conditions, Anything that tended toward it they absolutely put their foot down on it, and they have the support of the press.

Commissioner O'CONNELL. Of the president?

Mr. SHANNON. The press.

Commissioner O'CONNELL. Oh, the press. What I am trying to get at is, with this five or six or seven thousand miners here, if this was going on, and I take it from what you say it was flagrantly and openly going on, what were these five or six thousand miners doing that they didn't compel a sort of stopping and adjustment and standing still of things to see where they were?

Mr. SHANNON. About 300 men would fill the hall.

Commissioner O'CONNELL. Three hundred men would fill the hall?

[1] Exhibit not transmitted with testimony.

Mr. SHANNON. Yes, sir.

Commissioner O'CONNELL. Wasn't there vacant spaces around either in the flat or in places where you could gather them together?

Mr. SHANNON. There is lots of room now, you can gather them altogether now.

Commissioner O'CONNELL. I am talking about the past.

Mr. SHANNON. Exactly, that is what I am talking about. We could not get them to stick. It was an utter impossibility to take these things and get this cosmopolitan union of ours together, but they are more or less together now.

Commissioner GARRETSON. Was there any difference in the question of domination—you stated since the Amalgamated Co. came in certain conditions existed. Is there—is it any easier, so far as domination then is concerned between the time before the Amalgamated Co. came in and the time after, only now there is one master and before that you had a number.

Mr. SHANNON. Well, you had more of an even break before; you had them fellows fighting.

Commissioner GARRETSON. You could play them against each other?

Mr. SHANNON. Exactly; more or less.

Commissioner GARRETSON. Was the object of the men that were in opposition to the union—to make the question clear—a good many men have testified here that if one gang got its election clerks in they won, and if the other gang got their election clerks in they won. That has been testified to a number of times as to the conditions that existed. Did the party that was in opposition desire to get into power to reform things, or to run it themselves?

Mr. SHANNON. Well, the time that the union was in the hands of the union men was about two years at that time. They tried to get some betterment then, and ran things along what we considered union lines, and we put $35,000 in the treasury. That is more than was ever put in since or before. It was conducted on businesslike lines.

Commissioner GARRETSON. You really tried—your intention was not to get your election clerks in and run things, but to run them right?

Mr. SHANNON. To run them right, that was our aim. We paid as much sick benefits and death benefits at that time as any other time since or before, for any two years.

Commissioner GARRETSON. And did you do anything more in the way of protecting your membership from unreasonable discharge and the conditions you say you are subject to than you did before?

Mr. SHANNON. At that time? No, sir; we tried to educate them.

Commissioner GARRETSON. You heard the testimony of the president of the United Mine Workers for district 27 this morning?

Mr. SHANNON. Part of it; I could not hear him distinctly.

Commissioner GARRETSON. You heard him outline the method they followed in the protection of the men?

Mr. SHANNON. I am familiar with it.

Commissioner GARRETSON. Do you believe in that method?

Mr. SHANNON. Yes, sir; more or less.

Commissioner GARRETSON. More or less is rather an elastic expression. Do you believe that the mission of the union is to protect their men when they are right?

Mr. SHANNON. That is what the union is supposed to be for.

Commissioner GARRETSON. I haven't heard that declaration. Maybe you have heard that declaration here, but I haven't. That don't seem to have been the mission of this branch of the miners' union here, from what has been testified here.

Mr. SHANNON. The mission of these men here was—we were trying to educate them out of it—but the mission of this bunch here was that they were an asset of the Amalgamated Co.—they took care of the machine. We are trying to teach them a way of getting away from those conditions.

Commissioner GARRETSON. For the good of their soul and body?

Mr. SHANNON. This soul business is a kind of myth with me, more or less.

Commissioner GARRETSON. You look after the body?

Mr. SHANNON. I believe in looking after the body and letting the other fellow take care of the soul after it leaves the body. We have enough to do to take care of the body.

Commissioner O'CONNELL. Is the miners' union, the one you spoke of as supporting those things, is that composed of men exclusively engaged in the mining industry?

Mr. SHANNON. Yes, sir; in and around the mines, the same as the other one was.

Commissioner O'CONNELL. Are there any men holding memberships in this organization who are engaged in any other occupation in the city of Butte?

Mr. SHANNON. In which way?

Commissioner O'CONNELL. Any way—carpenters, street car men, newspaper men, lawyers, doctors, or any others.

Mr. SHANNON. Not that I know of. It only includes those working in and around the mines.

Commissioner O'CONNELL. Are you sure?

Mr. SHANNON. To my certain knowledge there are none that I know of, only those in and around the mines. The statement has been made here——

Commissioner O'CONNELL. I have heard the statement made, is the reason I asked, that it does take in everybody indiscriminately.

Mr. SHANNON. The statement has been made here about copper fluctuating and one thing and another. There was a time in this camp when they sacked the little bits of ore they got and put them on jackasses and walked them down 80 miles until they got to the narrow-gauge railroad, and then put them on the narrow gauge and ran on that until they got to the wide gauge and then went to Galveston and put them aboard sailing vessels and took it to Wales and got 9 cents a pound and paid $3.50 a day at Butte. That is the condition we are up against here.

And at that time they would have 15 men, or a total of 45 on three furnaces, and others were employed at it. They still can give us a dollar more now; that is, and hold the kite with the tail on the end.

Commissioner GARRETSON. Well, you probably have a different method of figuring the financial value of things than the company has.

Mr. SHANNON. Well, I have mine and they have theirs. There is no identity of interest, you know, between us.

Commissioner GARRETSON. By that you mean that the workman is trying to get for his labor the best he can, and the other side is trying to get labor at the least possible price?

Mr. SHANNON. Yes.

Commissioner GARRETSON. Or reduce it to the lowest, is that what you mean by that?

Mr. SHANNON. That is what I mean all the time.

Commissioner GARRETSON. All right.

Acting Chairman COMMONS. Any other questions?

Mr. SHANNON. Now, there is another question that ought to be brought up here, and that is with regard to the health of the miners. Of course, I am not a physician or a doctor, but I have handled these things that they call the "buzzy." They are a nice thing to discuss up here in the Silver Bow Club, where the air is good. They are a one-man drill, and there is a lot of those what we call them fine-day miners that has never taken hold of them.

Commissioner GARRETSON. What do you mean by fine-day miners?

Mr. SHANNON. Those fellows that have got an easy place in the mine, where the air is good, and they always have a good word for the company for giving them the job. But they are not down where the actual work has got to be done or where the heat is intense, where you don't eat anything and where you drink a keg of water and never urinate once in the 24 hours—you sweat it out. Them are the places, and you gentlemen ought to take a look at them.

Commissioner O'CONNELL. I think some of us were down last night in the mines; I was down.

Mr. SHANNON. Now, these buzzy machines, they grind the dust up extra fine, and it comes out without the old method of clearing itself, and you inhale every bit of that dust as it comes out. The dust settles in your lungs and you can't get away from it. You are right there facing it, and it is pumped into you, the same as the hose turned on you. And the man down below you shoveling, he inhales it just as bad as you.

Commissioner O'CONNELL. And those jobs appear to go to the men that are not inclined to be company men, as you state it?

Mr. SHANNON. The good, robust fellows, you know.

Commissioner O'CONNELL. Strong men?

Mr. SHANNON. Strong men; yes.

Commissioner O'CONNELL. Men who have——

Mr. SHANNON. Weak in the head.

Commissioner O'CONNELL (continuing). Talked right out what they think about things?

Mr. SHANNON. Exactly, like anybody should. No; nothing to be afraid of, discuss things any chance you get to better your condition, the same as you would. If you were going to buy a ticket on the railroad to-morrow, you would discuss which would be the cheapest and best road. You would have a certain right of discussing that which you are going to travel over.

Commissioner O'CONNELL. Do you suppose that the company puts these weaker men—you say the stronger men go down below—the weaker men, because of their health conditions, into the better air and better working conditions? Is there any humanity in connection with it?

Mr. SHANNON. I think, sir, you do, when you come to rustle, the same as you would consider buying a good strong horse if you wanted him for the farm. You wouldn't buy a weakling; you would buy a good strong horse even if you had to pay $250 or $300. They look at it the same as they did on the slaves down South.

Commissioner O'CONNELL. I understand there isn't any physical examination?

Mr. SHANNON. Well, the boss is a pretty good physical examiner.

Commissioner O'CONNELL. Well, would you expect him to hire indiscriminately everybody who comes along, regardless of whether he was sickly or had some disease that he could communicate to others?

Mr. SHANNON. Not necessarily.

Commissioner O'CONNELL. Wouldn't you think that those who were inclined to grow old or weak or sickly, that they ought to have the preference as to work—easier jobs and so on, as a matter of humanity?

Mr. SHANNON. Yes; they don't do it, however.

Commissioner O'CONNELL. That is not the reason, you think?

Mr. SHANNON. They don't get those jobs. There is a lot of these young healthy fellows that is up there getting them. There is a lot of these men that has put in 30 years of their life up here. And a miner's work, you know you never can prelearn it; especially in bad ground they don't pick up these miners and shove them in there, they have to put in the old-timers in bad ground where it is caving.

Commissioner O'CONNELL. Well, now, if you were given the authority to outline a plan by which the mines in this territory should be operated, under what conditions or how would you have these mines operated? What would you suggest as a means of correcting all the ills and complaints that you speak of here and object to in the mining industry?

Mr. SHANNON. The first thing is about the men, a shorter workday.

Commissioner O'CONNELL. Less than eight hours?

Mr. SHANNON. Yes.

Commissioner O'CONNELL. Now what would you do next if it were left up to you? This commission is to inquire and report back.

Mr. SHANNON. The next thing is to ventilate the mines.

Commissioner O'CONNELL. Ventilate?

Mr. SHANNON. When you go down into a place, you know, and you stand right up and sweat boils out of you and runs over the tops of your shoes, you ain't inclined to kill yourself working.

Commissioner O'CONNELL. You say this——

Mr. SHANNON. If we had those places properly ventilated, them things will not be there. There is one thing of trying to cure the effect; but if you go to the cause, you know, then is where you are to remedy the thing.

Commissioner O'CONNELL. Then let us go to the cause.

Mr. SHANNON. That is the cause, because they are not ventilated, inadequate ventilation in the mines at Butte. Now, there was a man in this camp——

Commissioner O'CONNELL. What you want is to get better ventilation, and it seems that the same ventilation that is on top of the earth can't be brought below. That seems an impossibility, but we will agree that it can be improved materially. Now, in order that we may give more time to still getting better air into the system, you will agree, will you, that the mines shall be closed on Sunday?

Mr. SHANNON. Well, I am always in favor of six days' work.

Commissioner O'CONNELL. What will the miners say to that? You must have one day's rest just as you give the horse you talked about. Will you agree to that?

Mr. SHANNON. Yes, sir.

Commissioner O'CONNELL. Will all the miners agree to that?

Mr. SHANNON. I should think they would.

Commissioner O'CONNELL. Do you think if it was put to a vote, that they would all vote "yes"?

(A bystander here attempted to speak to the witness.)

Commissioner O'CONNELL. Just let the gentleman speak for himself, I think he is capable.

Mr. SHANNON. I am capable of answering any question.

Commissioner O'CONNELL. I think you are, sir.

Acting Chairman COMMONS. All of them.

Commissioner O'CONNELL. I think you are.

Mr. SHANNON. If the miners were to say, "We will have Sunday," and the company, "Anybody that went out Sunday, he can't work"——

Commissioner O'CONNELL. No; regardless of the company. We will say to the company, "Now you have got to do this," and they will do it?

Mr. SHANNON. Yes.

Commissioner O'CONNELL. We want one day's rest, that is the first thing we want?

Mr. SHANNON. Yes.

Commissioner O'CONNELL. Then we will get some air. Nobody can take that away from us in the open, if we are there where we can get it.

Mr. SHANNON. Yes. There is lots of them gets all that kind of air they want. They are laid off here two or three months at a time to teach them to be good.

Commissioner O'CONNELL. That is incidental; what I want to get at is the fundamentals.

Mr. SHANNON. There is lots of them gets that; there is lots of them that don't work 30 days a month, more like they work 20.

Commissioner O'CONNELL. We have gone over that.

Mr. SHANNON. A miner works the general rule seven days a week with the exception of one day every two weeks.

Commissioner O'CONNELL. You still have it a little better here in that direction than they have in some other places, because they work every Sunday, and we found, upon investigation of the daily report books, that the men worked every Sunday but laid off other days. They seem to have an especial preference for Sunday, don't like Sunday leisure. I don't know why. It interferes with their church relations. They want to go to church; at least some men do, if not all. They ought to have that day off for religious service, for recreation, for pleasure, and they ought to be in a position to get a sufficient compensation for the six days so that they would not have to work Sunday.

Mr. SHANNON. That is the idea. That is what we are after.

Commissioner O'CONNELL. Now, is that one of the things you would agree to?

Mr. SHANNON. No work Sunday, the shorter workday during the rest of the week—we will agree to that.

Commissioner O'CONNELL. Now we have the shorter workday, better ventilation, the observance of Sunday—or one day's rest in seven—and a better wage rate.

Mr. SHANNON. We will take all that. And we will go further. We will take a half holiday on Saturday, if you will give it to us. We will take all that. We are not a bit adverse to it, not a bit. But we want more money because it takes all you can get here to make both ends meet.

Commissioner O'CONNELL. Well, I think I have got for my own satisfaction some of the things that might help.

Mr. SHANNON. Yes, sir.

Acting Chairman COMMONS. Any questions?

Commissioner O'CONNELL. That is all.

Acting Chairman COMMONS. You have finished stating all of the causes that you had in mind of dissatisfaction?

Mr. SHANNON. Well, they are the primary causes.

Acting Chairman COMMONS. That is sufficient, then, much obliged to you.

Call Mr. Kelley again to take the stand.

TESTIMONY OF MR. C. F. KELLEY—Recalled.

Acting Chairman COMMONS. You were the first witness, and you stated in a general way the questions that were uppermost in our minds at that time. There have been various charges made that you have doubtless heard. Is there anything that you wish to say regarding any of them?

Mr. KELLEY. Of course, I haven't been here all the time. The charges that I have heard have been more or less of a general nature. I don't know of any specific instances that were referred to. There has been a general charge of company domination of the Butte Miners' Union. So far as that charge is concerned, I wish to say this to the committee—the commission: There has been for many years a situation existing here that is by no means peculiar to Butte, but I think can be found in every industrial community. Wherever organized labor has asserted itself, it is universally conceded that the principal line of division of its membership comes between those who are possessed of radical tendencies, whose policy it is to wage an eternal warfare against the employer, who will be satisfied with no concession, but who believes that it is a principle of organized labor to engage constantly for something that in many instances can not be granted.

On the other hand, there is a division which believes in fairness as between the employer and the employee in endeavoring to carry on the controversies that arise in such a way as to ameliorate as far as possible the condition of the worker, while at the same time recognizing that the employer has some rights. That was the primary division in the Butte Miners' Union. That, as I understand it, is the primary division in a great many labor organizations. Now, I deny that the Anaconda Co. has ever, directly or indirectly, attempted to assert any domination over the Butte Miners' Union in its internal affairs. I assert that the sole interest which this company has—at least during the period covered by my knowledge of its affairs, manifested in the doings of the miners' union or any other labor organization in this community, was to endeavor at times to get as large a proportion of the membership as possible to attend the meetings, so that the action which would be taken would not voice the sentiments of a few radical agitators, but would more nearly represent the voice of the great body of the union who were to be affected by the action taken. In that I assert that the employer did not step out of his way or out of his function. If we have a body of 9,000 men working for us here, and if we are to live up to and follow what the union dictates, if we are obliged to meet the action of the union, it seems to me that an effort on the part of the employers to get as many employees interested in the union as possible is not only within our proper function, but is entirely commendable.

Now, then, that is as far—so far as this domination, ownership, and control of men is concerned, I deny that that exists. You will hear that charge everywhere where a condition such as obtains in Butte exists, where there is one large corporation that is the dominating factor in the industrial life. But I assert that so far as the different officers of this union are concerned—and I perhaps have had as intimate dealings with them as any—that I haven't known these men. I don't know that within my time of administering the affairs of this company that I have ever known a man who has been placed in nomination for office before he was placed in nomination or before he came to see me on some business connected with the union. That certainly will apply to at least the last three administrations of the Butte Miners' Union; that we have never known them, we have never undertaken in any way to say who should be or who should not be officers of this union. Now, then, of course, we have wished, we have desired to get along with our employees, to have amicable relations. There are a number of gentlemen who have given evidence, if you call it evidence here—I mean because of the lack of an oath, is all—and with them I think in a good many cases they have not been in the employ of this company, or the company that I represent, at least. They have not for many years been in the employ of the company.

Now, there are some specific matters that were referred to here. One was the relative cost of production in early days as compared with the cost of production at this time. And I think Mr. Shannon gave as an illustration how the copper was transported by various means to Swansea in early days, when $3.50 was paid for wages, and he compared it with the present day operating conditions. Well, to a certain extent that is true. When the Butte Miners' Union was organized, as I remember in 1876, they paid the minimum scale of $3.50 a day. That was for a 10-hour day. And later the number of hours was reduced to eight, and later some modification was made in working rules. That is the only thing I can think of as possibly being involved in the statement of Mr. Shannon that this company did not grant eight hours until 1906. I know of my positive knowledge that the statement, except as it may be modified in some trivial way, is not correct. When the copper mines of Butte first began their operations, at the time testified to by Mr. Shannon, this was a pioneer country. The scale of wages was probably the highest

then adopted for similar business anywhere in the United States, anywhere in the world.

A BYSTANDER. Except Virginia City.

Mr. KELLEY. Except Virginia City in the early days; that may be true. In the copper-mining business the scale of wage that is maintained in Butte has been the highest wage paid anywhere in the world, with one exception that I know of, and that is in Arizona. And to-day and yesterday, with the curtailment there, they are putting into effect in Arizona a reduced wage scale that brings the miner's wage to $3.60, the helper to $3, and the mucker to $2.75. Now, at that time these surface deposits were just beginning to be explored. The surface ores of Butte were of enormous richness. Calcacite, which ran chemically to the standard, above 70 per cent copper, was found. Ore that went anything like the vast bulk of the ore that is being treated to-day could not be taken from the ground. The ore that was shipped to Swansea was ore that went from 30 to 70 per cent copper, and associated with it was silver in varying quantities of from 20 to 150 ounces per ton. It likewise carried a very large gold value. Now, ore of that kind of course yielded a tremendous profit. To-day the average grade of the copper ores in Butte that are mined is about 3 per cent, and they will carry approximately 2 ounces, is it, Mr. Gillie, of silver to the ton?

Mr. GILLIE. Yes.

Mr. KELLEY. And there will be an approximation of about 25—well, a very small percentage of gold. Now, during the period from the early days when this ore of enormous value was sent to Swansea—and that was only sent during a period of time when it was—when they were getting money out of this high-grade ore, leaving on the dump what was then considered low grade, which would be ore that is vastly richer than any we have got to-day. They sent this high-grade ore over there, selected and sent it, and got money back here to begin the development of these mines, and to build these smelters and railroads and other things that have been made that were necessary in order to make this an industrial center and a mining center. Now, the conditions have changed since then. With increasing depth increased costs have been brought about. It has been a constant fight against increased depth, remoteness of ore, which involved heavier tramming costs, increase in costs of supplies, increased labor cost. Labor has increased more proportionately in cost than would be expected merely by the reduction in wages, or by the reduction in hours because of a decreased efficiency in the class of labor. All of these factors have been brought about to increase the costs until the profit to-day on mining operations bears no comparison to the profit that was obtained at the time of which Mr. Shannon speaks.

And remember this—and it should be remembered—that we are mining copper to-day from the 3,000-foot level, or going to the 3,000-foot level of these mines with the installation of perhaps the most costly mining machinery in the world. With transportation problems that make us ship our ore from Montana to the Atlantic seaboard and then around the world in competition with mines that are favorably located with reference to transportation facilities all over the world. That, with every item of our operations increased in cost, we are in competition with the copper that is being produced all over the world. We are in competition with the copper that comes from the labor of the Mexican peon, who gets 50 to 75 cents a day in Mexican money. We are in competition with the Peruvian mines, the Spanish miner, the Japanese miner. Out of a production, a world's production of 2,000,000,000 pounds of copper, we make less than 300,000,000 here in Butte. We can not control the market. We can not fix the price. Our copper sells in Berlin or Hamburg or London or Paris at so much a pound in competition with the copper that comes from any other mining district in the world. And it simply means that with a margin of profit that is now extremely close, as close as it is in any industrial business—not any mining business, which is a wasting business and a depreciation of capital constantly—it means greatly added expenditures in the production of copper, and this means that copper will cease to be produced; that is all. You can't meet the competition of the world if you are not willing to fight your cost of production, and if it is tremendously higher than copper can be produced elsewhere.

The single item of freight alone upon our copper—our railroad bill last year was $7,000,000 out of a gross business of something over $40,000,000. Railroad freight is seven million. We are in competition with the water transportation from Chile, from Peru, from Japan, from Spain. Now, then, I simply wanted to make this general statement so that we may dissipate the

idea that was suggested a moment ago by one of the commission that there is a fight on the one hand on the part of the operator to get as much as possible out of labor, and there is a fight on the part of labor to get as much as it can out of the employer. There comes a line of division beyond which if the cost of production goes, production must cease. That has reference to the shorter workday that was suggested by Mr. Shannon. At the present time, with the mines on an eight-hour basis, that means eight hours from the collar of the shaft. My recollection is, and Mr. Gillie can verify it if I am wrong, because he is far more familiar with these mining details, that on an average it takes 26 minutes for a man to reach his place of work. The shift begins shooting, the shift terminates with the blasting, and that is anywhere from a half an hour—usually about a half an hour—before the termination of the shift.

I will venture the assertion without fear of successful contradiction that six hours of actual labor is not put in upon the average in the stopes of the mines of Butte. A shorter workday would mean an increased cost of production that could not be maintained, because I know of no business in which the cost of labor bears a more direct relation to the total cost of production than it does in the mining business. As I made the statement to you the other day that you can take out of every round dollar—I have some charts on that that I would be glad to submit—out of every round dollar that is taken out of these mines, more than 50 cents goes directly to the man in the mine and the man in the smelter. Now, then, one of the great items of cost is lumber, timber. We use, say, 75,000,000 feet a year in timbering these mines; 300,000 stulls are used, and a big proportion of that cost, the cost of our lumbering operations, is labor. As I told you a moment ago, we pay $7,000,000 in freight. The railroad labor is a big part of that, so that the labor cost of producing copper is probably as great, if not greater, than that which would obtain in any other industry. So far as the general subject of ventilation of mines is concerned, we have been somewhat between the devil and the deep blue sea on that, if you will pardon the expression. I had occasion to refer to it. Mr. Gillie had occasion to refer to it. If we had absolutely no humanitarian motive at all, but it was a straight business proposition of dollars and cents, it stands to reason that anything that we can do to increase the efficiency of a factor that is representative of more than 50 per cent of our gross expenditures, we are going to do it.

It is very easy for men to say, who are not engaged with this proposition, that we don't do this and we don't do that. We have every opening figured, the area of that opening, the possibilities of that opening with reference to either forced or natural ventilation, the carrying capacity of every hole in the ground here is figured, and a scheme of ventilation is laid out, not alone because it is absolutely necessary in order that these men may live underground. But I want to say without any bouquet about that, that I think the management of this company takes as much interest in that as does any industrial organization that I know of. But as a pure matter of efficiency of labor we would figure that, and we do figure it. I don't know whether Mr. Gillie gave you the figures, but my recollection is that we have 6,000 horsepower, isn't it?

Mr. GILLIE. About 3,000.

Mr. KELLEY. How is that?

Mr. GILLIE. About 3,000.

Mr. KELLEY. About 3,000. And you know when you take a hole down here and over here another, and there is a difference in temperature, you have natural ventilation. And you have the cages going there, and you have got these drills working. And in addition to that we have 3,000 horsepower pulling fans and trying to get air down into these mines.

Now, it may be that the ultimate end of these mines will be the limit of the possibility of ventilating. But just as long as mechanical means can be devised to furnish ventilation underground, why we are going to take advantage of it and do the best we can to ventilate these mines. Now, that is incidental perhaps. You take it in the lower levels here where the mines are wet, we can ventilate. The draft—without respect to draft. Of course, in the upper levels where the water has leeched out, ventilation is accompanied with the raising of dust. You can't help that. You see you get one evil—in trying to correct one evil you notice the effect of another. Because the dust we recognize is the harmful factor, so far as pulmonary troubles are concerned. Now, so far as appliances are concerned, we have endeavored to use the best appliances possible. The buzzer drill was referred to. I think that was the

only appliance that was mentioned by Mr. Shannon. The buzzer drill is a recognized appliance in mining all over the world. We have endeavored to use a canvas bag that would catch the dust. We have endeavored to get a muzzle worn. But any man who has had anything to do with employing labor knows and understands that one of the hardest things is to get that laborer to do that proportion of what he ought to do in the protection of himself that he should do.

Why, the other day I went through a cement plant, a plant where they were dumping cement over here in the construction of a dam, and dumped cement down into a blower. And the moment I went in I asked the man if there were muzzles furnished the man who were handling the cement there. And he said, "Yes." I said, "There is a man who has not got his muzzle on." He turned around and the muzzle was hanging on a nail. Now that is illustrative. I could tell you our experience in camps where we have had sanitation under our control and have endeavored to enforce regulations. You almost have to enforce them with military discipline in order to get the average miner or the average man to help you in those matters. I will tell you that if the grog shops upon this hill were shut up and men took as much care of themselves as they could take when they are off shift, as they have it within their own control to exercise, if they did as much as they expect us to do, the general sanitary conditions would be much improved, and the accident record, the casualty record would be closed. Let these reformers get at the fundamental causes. We will meet them half way. We have a condition that prevails here where every man going off shift—I won't say every man, but a great many of them, stop to drink at these places. They drink going on shift. It would be looked upon as a serious intereference with their American privileges if that was cut off. But a man that comes up to the collar of the shaft with a half a dozen drinks under his belt and gets by the timekeeper and the foreman and the shift boss, and then goes underground into this superheated atmosphere, when it begins to ooze out of him, is the man who many times falls into a chute, loses his hold upon a lever, or misses a loose piece of ground that is over his head. And then, of course, the employer is the sole responsible party.

Now, I don't know that there are any other specific matters. If there are other matters that I haven't heard of, other matters that you wish to ask me about, I shall be very glad to answer any questions within my knowledge that the commission desires to ask.

Commissioner GARRETSON. In regard to the statement that if conditions exceeded a certain point the production of copper might be stopped in the Butte district, or would of necessity be stopped, have you any opinion that any industry has the right to survive unless it can pay a reasonable wage?

Mr. KELLEY. No; absolutely not. But where an industry that is being conducted all over the earth, as the copper-mining industry is, is paying in a particular locality the highest wage that is paid by that industry in any part of the earth, and is carrying on that industry under conditions that are better, we believe, than accompany that industry in any other part of the earth, I don't think that industry should be put out of business in that particular locality because of its inability to meet the demands of, we will say, a certain number of unreasonable men.

Commissioner GARRETSON. In passing upon the reasonableness or unreasonableness, that, of course, becomes a question of fact.

Mr. KELLEY. A question of fact, which is determined by the universal standard that pertains in any particular line of business.

For instance, if you say whether this is a reasonable wage here for this business or for that business, how do you determine it? You take the standard wage that is paid by that class of employment wherever it is conducted. Now, if we here have a rate of wages which is higher than they have in any other locality for a similar business, it would be fair to assume that we are paying a reasonable wage as controlled by the factors that must necessarily enter into it. If we are not paying a reasonable wage, then nobody in this line of business is paying a reasonable wage. And if the copper business can not be conducted here upon the conditions that pertain, it can not be conducted in any other part of the world because they would be more unreasonable than we. You see the point?

Commissioner GARRETSON. If a man predicates an opinion on these matters upon a thesis that in itself is false for a basis, then—I am using false in the sense of incorrect——

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON (continuing). Then naturally the whole theory comes into the same category.

Mr. KELLEY. Oh, yes.

Commissioner GARRETSON. Because a structure that maintains—or will not rest, can not rest, upon a secure foundation.

Mr. KELLEY. No, sir; your premise must be right or your——

Commissioner GARRETSON. There you have it.

Mr. KELLEY (continuing). Conclusion will be wrong.

Commissioner GARRETSON. And if the operative conditions in the trade had always controlled questions of this character, there never would have been betterment; it is only when——

Mr. KELLEY. No; I——

Commissioner GARRETSON (continuing). Advance has been attempted independent of comparison that betterment has ensued.

Mr. KELLEY. I grant you that is true to a certain extent. Of course, anyone who is familiar with economic history knows that every advance that has been made by the wage earner has come as the result of agitation, of demand, and of successful attack, you might say.

Commissioner GARRETSON. More or less successful.

Mr. KELLEY. More or less successful.

Commissioner GARRETSON. I would put it that way.

Mr. KELLEY. I say every advance has been the result of that. That spells progress. Now, then, you reach a point—you reach a point at which you can no longer conduct your business profitably from one standpoint, and the wage earner thinks that it can no longer be conducted because of insufficient remuneration from his standpoint. That means the cessation of that business or the introduction of some other system of working.

Commissioner GARRETSON. From the experience you have had, I would like an expression of opinion from you on one subject. You bear in mind this is purely ethical.

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. It may become practical. Do you believe the true—now, this is not in your experience as an employer at all—but in your experience as a citizen, is the truest remedy, in your opinion, for many industrial evils an increase of wage or a betterment of conditions?

Mr. KELLEY. I would say, in answer to that, it would mean ultimately a betterment of conditions. Now, whether that comes from increased wage or not is another proposition. Of course, what everybody is striving for, what we are all striving for—I regard myself as an employee and a wage earner. I am striving for it. I have no fault to find with any man who works for the Anaconda Co. who is striving to better his condition. Now, it does not necessarily follow that two bits a day more—or 50 cents a day more—is going to mean that betterment in condition.

Commissioner GARRETSON. If the 50 cents went to every wage earner the condition would have been equalized?

Mr. KELLEY. Absolutely.

Commissioner GARRETSON. Unless his hours of service and conditions under which he furnishes his labor had at the same time been bettered?

Mr. KELLEY. I think that is true, because, it seems to me, we have had a peculiar illustration of the working out of that principle right here in Butte. Wages were high here to begin with. They have been maintained at a high standard. And, incidental to the development of the mining business here, a community grew up. And with the upbuilding of that community numerous trades and crafts came in here and obtained employment.

And, starting with a high rate of wages, each craft has endeavored to boost a higher rate of wages, until the rate paid some of the trades-unions in this city, as compared with the scale that maintains generally, is absolutely out of all reason and all proportion. Now, then, the great bulk of employment here comes back, one class employs another, it seems to me. If your butcher is getting a very high rate of wages, of course, it is added to the price of meat. If your plumber is getting a very high rate of wages, it is added to the cost of putting a bathroom or a sink or a faucet in your house, and so on. Now, then, we are all cannibalistic in a way. We live off one another. And it seems to me the high rate of wage, the extremely high rate of wages that has prevailed among the local crafts in the community downtown here has been one of the factors that has made living very high here and has entered into, very largely,

the problem that has faced the big body of workmen—the miner and the laborer—in meeting the necessities of life. So that I don't think that increased wages of itself is going to do any good unless all the other factors that surround these things are going to be bettered and leveled.

Commissioner GARRETSON. And I assume that you hold the opinion that even in the absence of increase of the wage, the shortening of the time of labor, and the betterment of the condition under which the man works would produce the effect that of itself.

Mr. KELLEY. I don't know that I quite get that.

Commissioner GARRETSON. Would produce the effect and remedy many of the things that are complained of.

Mr. KELLEY. I think so; certainly.

Commissioner GARRETSON. For instance, you will take what you cite yourself as what may become an impossible condition in your lower levels; that is, the inability to ventilate?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. The only solution that would be left, then, in that impossible condition for a man in which he would recognize the impossibility of staying there eight hours would be to reduce that period, as I believe it was. Weren't there some Nevada mines where men only worked in a three or four hour shift?

Mr. KELLEY. Yes. They have worked 20 minutes here.

Commissioner GARRETSON. On account of the excessive heat. Well, that would be the only solution left, if it was continued?

Mr. KELLEY. Certainly.

Commissioner GARRETSON. And all onerous conditions of service would in the long run be met by the contraction of the period of service therein on account of the onerous character?

Mr. KELLEY. Certainly; that would have to follow.

Commissioner GARRETSON. Isn't it the natural result? Now, you state in speaking of precautions or the measures taken by your company in regard to demonstration and figuring as to each air passage and its capacity. Isn't a man who is down there and suffers from the conditions impervious to the idea that those figures exist?

Mr. KELLEY. Just a minute; your question contains an assumption that I could not concede for a moment. Now, then, in the lower levels, before ore can be taken out, you understand——

Commissioner GARRETSON. Yes, sir.

Mr. KELLEY (continuing). And you get your system of ventilation completed—for instance, you sink down and you start off a level, and you have got a dead end there that you can only get an artificial means of ventilating from the hose pipe that works the machine, or by carrying in a pipe.

Commissioner GARRETSON. You can't keep it in the extreme end?

Mr. KELLEY. Yes; we do; but the ventilation is not as good there as it is after your connections are made and your air courses are established. Now, I will admit that there are those necessary places that are not properly ventilated, but that these mines as a whole in their working levels or stopes are improperly ventilated, that they are to any considerable extent suffering because of insufficient ventilation, I would absolutely deny. The records of temperatures, the records of oxygen content, of carbon dioxide content contradict this, and the records of the men themselves.

Commissioner GARRETSON. There is a shade of meaning there, suffering and discontent.

Mr. KELLEY. Well, there is discomfort.

Commissioner GARRETSON. They may be two things.

Mr. KELLEY. I think that the most comfortable place—I speak from experience—I have worked underground. I think the most comfortable place I have ever worked was underground, and I don't think that I drew at all times the places that were characterized by my friend Shannon as "fine-day-miner" places.

Commissioner GARRETSON. Would you choose one of your lower levels to spend a vacation in?

Mr. KELLEY. No, no. But I have never yet been able to secure my occupation by selecting a place for a vacation.

Commissioner GARRETSON. You only secure the vacation by that?

Mr. KELLEY. Incidental to the occupation.

Commissioner GARRETSON. Yes; I have seen men that had a vacation—very long—and it wasn't incidental to the occupation.

Mr. KELLEY. I haven't had that good fortune.

Commissioner GARRETSON. I haven't had that experience myself; I have been in rather continuous service.

Mr. KELLEY. There was one other matter that was referred to, and that was the investment of the miners' union funds in Amalgamated stock. My recollection of that transaction, gentlemen, was about this: At that time I was counsel for the company and didn't have any direct connection with it, but I remember talking about it. The miners' union had some fifty-odd thousand dollars that they wished to invest. Mr. Ryan at that time was not connected in any way with the Amalgamated Co. or the Anaconda Co.; he was president of a bank and doing a banking business. My recollection is that the miners' union treasurer came and talked to him. The Amalgamated Co. was paying 6 or 8 per cent, and he recommended an investment in the stock provided they could be guaranteed against loss. The matter was taken up with the then managing director, I think Mr. Scallon, and it was arranged if this $50,000 was invested in stock it could be sold at any time after a period of a year and irrespective of the market price of stock, the price that they paid would be guaranteed to them.

Commissioner O'CONNELL. Have you any idea that the sale of this 500 shares had any effect on the fluctuation of the stock?

Mr. KELLEY. I have had too much experience in buying and selling Amalgamated stock myself to believe that.

Commissioner GARRETSON. Have you any knowledge as to whether or not it was heralded as an advertising feature?

Mr. KELLEY. I never knew it was heralded or spoken of really in any way except that it was a safe investment for the Butte Miners Union, far safer than some others they have made, and that it would be a good idea. Perhaps the thing that induced the management to guarantee it was that any community of interest between employer and employee is a good thing to establish.

Commissioner GARRETSON. As a business man, Mr. Kelley, wouldn't you hold that in a region where there was no means of investigating, that no better demonstration or illustration could be furnished to prospective purchasers of stock than to represent to them that the men who dug it out of the mine took it as an investment?

Mr. KELLEY. Yes, sir.

Commissioner GARRETSON. It is good business?

Mr. KELLEY. You bet it is.

Commissioner GARRETSON. Fine advertising material?

Mr. KELLEY. That is good business all around.

Commissioner GARRETSON. That is what it is.

Mr. KELLEY. And there would be no better business than to have every miner in Butte a shareholder in Anaconda stock.

Commissioner GARRETSON. I hold it is good business and showing its value to the prospective purchaser as a convincing argument that the men who knew were buying it.

Mr. KELLEY. Yes, sir; it is possibly good business.

Acting Chairman COMMONS. Have you any other statement?

Mr. KELLEY. Yes, sir; there was a matter that was referred to by, I think, Mr. Sullivan or one of the other gentlemen who referred to the fact that during the Socialist, so-called, administration of the Butte Miners' Union they attempted to get legislative action on the subject of ventilation, and that a committee from the union went to Helena. It is true they did go. A committee came to Butte and made an investigation into the ventilation of the mine and into the sanitation of the mine. I have a copy of the testimony and a copy of the report of that committee, and I would like very much to furnish a copy to the commission. This is the only one I have, and I would like to make a copy and have it amplified. or I would be glad for your own stenographers to take it and have it copied and send it back to us. Can you do that?

(See Kelley Exhibits Nos. 11 and 12.)

Acting Chairman COMMONS. Yes; there are some other things we asked which you will submit also. Any other witnesses that desire to submit any statement or affidavit can do so.

The commission will now stand adjourned.

Mr. MCCUSKER. I have here the affidavits and papers that were called for in Mr. Maury's testimony.

(See Maury Exhibit No. 1.)

(Whereupon, at 1.45 o'clock p. m., of this Saturday, August 8, 1914, an adjournment was taken until Monday, August 10, 1914, at the city of Seattle, Wash., at 10 o'clock a. m.)

EXHIBITS.

KELLEY EXHIBIT NO. 1.

Comparative statement of assessment, 1912 and 1913.

	1912	1913
ANACONDA COPPER MINING CO.		
Silver Bow County:		
Mining claims, real estate, machinery, buildings, and all other property	$648,470	$703,565
Hardware department	40,020	39,055
Purchasing department	147,050	167,050
Total	835,540	909,670
Deer Lodge County:		
Reduction works, including refinery	108,700	108,500
Foundry department	83,965	83,965
Brick department	32,775	33,615
Hotel department	70,050	70,050
Supply department	75,500	75,450
Street railway department	73,745	73,745
Waterworks department	99,200	99,200
Electric-light department	33,525	33,600
Town-site department	65,560	44,210
Land department	86,890	98,158
Stock-farm department	7,068	7,884
Allen flume department	1,500	1,500
Southern Cross mines department	16,820	18,685
Total	755,298	748,562
Madison County, lands	470	470
Jefferson County, lands	800	800
Powell County, mining claims	135	135
Beaverhead County, mining claims	600	600
Cascade County, coal mines belt	122,075	115,977
Cascade County, mercantile department	31,425	28,700
Ravalli County, lands	464,047	352,010
Total	619,552	498,692
Silver Bow County	835,540	909,670
Deer Lodge County	755,298	748,562
All other counties	619,552	498,692
Total	2,210,390	2,156,924
Decrease		53,466
ORIGINAL MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, reduction works, machinery, etc	217,665	199,965
Decrease		17,700
WASHOE DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, and all other property	62,010	54,140
Sampling works	37,500	37,500
Real estate occupied by the Hennessy Co	374,055	374,055
Total	473,565	465,695
Deer Lodge County:		
Smelting plant, including flumes, pumping station, machinery, and other personal property	3,277,985	3,272,695
Lands and improvements	48,757	49,253
Real estate occupied by the Copper City Commercial Co	79,200	77,200
Total	3,405,942	3,399,148

Comparative statement of assessment, 1912 and 1913—Continued.

	1912	1913
WASHOE DEPARTMENT—continued.		
Carbon County:		
Coal and timber lands, machinery, and buildings	$83,910	$90,360
Gallatin County:		
Coal lands and buildings at Storrs	7,380	6,980
Park County:		
Cokedale Coal Co	5,660	6,010
Madison County:		
Mining claims	380	385
Beaverhead County:		
Mining claims, improvements, and machinery	205	205
Total	97,535	103,940
Silver Bow County	473,565	465,695
Deer Lodge County	3,405,942	3,399,148
All other counties	97,535	103,940
Total	3,977,042	3,968 783
Decrease		8,259
LUMBER DEPARTMENT, BONNER.		
Granite County	53,430	53,628
Powell County	404,520	485,982
Missoula County	1,891,828	1,931,711
Missoula County (Northwest Milling Co.)	1,004	
Ravalli County (Northwest Milling Co.)	14,195	
Granite County (Northwest Milling Co.)	198	
Ravalli County	133,965	141,185
Silver Bow County	18,615	18,615
Lewis and Clark County (Capital Lumber Co.)	3,570	3,570
Lewis and Clark County (timberlands)	60,364	60,365
Lincoln County	776,298	808,885
Flathead County	743,730	836,690
Flathead County (purchases J. Neil)		21,885
Cascade County (lots in Great Falls)	800	800
Sanders County	650,878	684,407
Total	4,753,395	5,047,723
Increase		294,328
BOSTON & MONTANA DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, machinery, and other property	488,235	502,260
Cascade County:		
Smelter plant, including lands, machinery, and all other property	1,794,555	1,800,151
Jefferson County:		
Lands and improvements	1,207	1,207
Total	2,283,997	2,303,618
Increase		19,621
BUTTE AND BOSTON DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, machinery, and other property	84,895	96,725
Increase		11,830
TRENTON MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, machinery, concentrators, and all other property	34,155	33,645
Decrease		510
PARROT MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, and all other property	46,300	45,500
Decrease		800
ALICE MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, and all other property	13,830	13,830
RED METAL MINES DEPARTMENT.		
Silver Bow County:		
Mining claims, real estate, improvements, and all other property	61,650	63,525
Increase		1,875

Comparative statement of assessment, 1912 and 1913—Continued.

	1912	1913
BUTTE, ANACONDA & PACIFIC RAILWAY CO.		
Silver Bow County:		
Right of way and rolling stock on main line, spurs, and sidetracks, depots, improvements, real estate, and other property	$531,455	$553,651
Deer Lodge County:		
Right of way and rolling stock on main line, spurs, and sidetracks, depots, improvements, real estate, and other property	461,167	519,427
Total	992,622	1,073,078
Increase		80,456
MONTANA WATER, ELECTRIC POWER, AND MINING DEPARTMENT.		
Deer Lodge County:		
Dam, real estate, etc	35,060	35,585
Granite County:		
Power house, machinery, etc	55,525	55,525
Total	90,585	91,110
Increase		525
Assessment:		
Anaconda Copper Mining Co	2,210,390	2,156,924
Washoe department	3,977,042	3,968,783
Lumber department, Bonner	4,753,395	5,047,723
Boston & Montana department	2,283,997	2,303,618
Butte & Boston department	84,895	96,725
Trenton mines department	34,155	33,645
Parrot mines department	46,300	45,500
Alice mines department	13,830	13,830
Red Metal mines department	61,650	63,525
Original mines department	217,665	199,965
Butte, Anaconda & Pacific Ry	992,622	1,073,078
Montana water, electric power, and mining department	90,585	91,110
Total	14,766,526	15,094,426
Increase		327,900

Increases for 1913:		
Lumber department, Bonner	$294,328	
Boston & Montana department	19,621	
Butte & Boston department	11,830	
Red Metal mines department	1,875	
Butte, Anaconda & Pacific Ry. Co	80,456	
Montana water, electric power, and mining department	525	
		$408,635
Decreases for 1913:		
Anaconda Copper Mining Co	53,466	
Original mines department	17,700	
Washoe mines department	8,259	
Trenton mines department	510	
Parrot mines department	800	
		80,735
Net increase, 1913		327,900

ASSESSMENT, BY COUNTIES.

Silver Bow County:		
Anaconda Copper Mining Co	$909,670	
Washoe department	465,695	
Lumber department, Bonner	18,615	
Boston & Montana mines department	502,260	
Butte & Boston mines department	96,725	
Trenton mines department	33,645	
Parrot mines department	45,500	
Alice mines department	13,830	
Red Metal mines department	63,525	
Original mines department	199,965	
Butte, Anaconda & Pacific Railway Co	553,651	
Net proceeds of mines	11,446,902	
		$14,349,983
Deer Lodge County:		
Anaconda Copper Mining Co	748,562	
Washoe department	3,399,148	
Butte, Anaconda & Pacific Railway Co	519,427	
Montana water, electric power, and mining department	35,585	
		4,702,722

Cascade County:		
Anaconda Copper Mining Co. (coal department)	$115,977	
Anaconda Copper Mining Co. (mercantile department)	28,700	
Lumber department, Bonner	800	
Boston & Montana reduction department	1,800,151	
		$1,945,628
Madison County:		
Anaconda Copper Mining Co	470	
Washoe department	385	
		855
Jefferson County:		
Anaconda Copper Mining Co	800	
Boston & Montana reduction department	1,207	
		2,007
Lewis and Clark County:		
Lumber department, Bonner	60,365	
Capital lumber department	3,570	
		63,935
Carbon County:		
Washoe department, lands	90,360	
Net proceeds of mines	8,738	
		99,098
Beaverhead County:		
Anaconda Copper Mining Co	600	
Washoe department	205	
		805
Gallatin County:		
Washoe department		6,980
Ravalli County:		
Lumber department, Hamilton	352,010	
Lumber department, Bonner	141,185	
		493,195
Granite County:		
Lumber department, Bonner	53,628	
Montana water, electric power, and mining department	55,525	
		109,153
Powell County:		
Lumber department, Bonner	485,982	
Anaconda Copper Mining Co	135	
		486,117
Missoula County:		
Lumber department, Bonner		1,931,711
Flathead County:		
Lumber department, Bonner	836,690	
Purchase from J. Neil	21,885	
		858,575
Lincoln County:		
Lumber department, Bonner		808,885
Sanders County:		
Lumber department, Bonner		684,407
Park County:		
Washoe department		6,010
Total assessment		26,550,066

SUMMARY OF ASSESSMENT, BY COUNTIES, 1913.

Silver Bow County	$14,349,983
Deer Lodge County	4,702,722
Cascade County	1,945,628
Missoula County	1,931,711
Flathead County	858,575
Lincoln County	808,885
Sanders County	684,407
Ravalli County	493,195
Powell County	486,117
Granite County	109,153
Carbon County	99,098
Lewis and Clark County	63,935
Gallatin County	6,980
Park County	6,010
Jefferson County	2,007
Madison County	850
Beaverhead County	805
Total assessment Anaconda Copper Mining Co. in State of Montana for 1913	26,550,066
Increase for 1913	1,249,888

NET PROCEEDS OF MINES, 1912 AND 1913.

Anaconda Copper Mining Co	$10,525,730	
Coal department, Washoe	7,922	
		10,533,652
Anaconda Copper Mining Co	11,446,902	
Coal department, Washoe	8,738	
		11,455,640
Increase 1913		921,988

In explanation of the various increases and decreases of the foregoing statement I beg leave to submit the following:

Anaconda Copper Mining Co.—Decrease in assessment caused principally by the reduction in the stocks of lumber, logs, etc., at the company's plant in Hamilton; also coal department, assessment at Belt, and account of sale of town lots at Anaconda. Wherever increases are shown in the department, they are caused by the addition of new machinery and stock on hand.

Original mines department.—Decrease in this department caused by a reduction of $10,000 obtained on the assessment of buildings at the Butte Reduction Works and sales of lots and improvements thereon during the past year.

Washoe mines department.—Decreases in the assessment caused by sale of lots and improvements thereon.

Lumber department, Bonner.—Increase over 1912, $294,328. In the counties of Flathead and Lincoln the increases were on account of the assessment on other property in both counties being raised from 8 to 10 per cent, and some of our timberlands were increased in that proportion. In Missoula County the assessor increased our return by $451,327. We appeared before the board of equalization of that county, and after three days' work suceeded in having the assessor's increase of $451,000 reduced to $87,000. In Powell County the assessor increased our return $79,000. The board of equalization of that county promised to cut this down to $31,000. I protested against the increase and filed my protest with the board.

The increases in the following departments, viz., Boston & Montana and Butte & Boston mines departments were caused by the addition of new machinery and improvements during the year.

Butte, Anaconda & Pacific Railway Co.—Increase in the assessment of this company caused by two reasons, viz., the state board of equalization increased the assessment of all main lines in the State from $19,925 to $21,000 per mile. The Georgetown extension of 16.2 miles came up for assessment before the State board for the first time and I managed to have the same assessed for the year at the rate of $3,000 per mile.

I wish to call your attention to the decision of the attorney general of this State, who instructed the assessors of this State to assess the mineral reserved by any of the companies selling lands and making such reservations in their deeds. Under these instructions the assessors of Carbon and Ravalli Counties have assessed the Anaconda Copper Mining Co. for the reservations made on lands sold in these counties. Protests were prepared by our legal department and filed with the boards of equalization of these counties, who declined to take any action at this time.

The entire increase in the State of Montana for the year 1913 was $1,249,888, of which amount the net proceeds of mines' increase over 1912 amounted to $921,988, leaving a total increase in all other property of the company of $327,900, being an increase of 2½ per cent almost entirely on the timberlands owned by the company and the assessment of the Georgetown extension of the Butte, Anaconda & Pacific Railway Co.

Respectfully submitted,

CHAS. SCHWARTZ,
General Land and Tax Agent.

KELLEY EXHIBIT NO. 2.

Statement showing amount of money paid for wages and salaries, years 1912 and 1913, Anaconda Copper Mining Co.

	1912	1913
Traffic department, Chicago	$9,381.16	$12,087.61
General officer's pay roll	182,379.68	182,646.36
General office and sundry	123,496.45	161,714.98
Southern Cross	20,076.01	149,826.00
Washoe reduction works	2,756,712.15	3,183,818.85
Flint Creek	6,035.71	5,287.36
Butte mines	11,415,019.36	12,306,703.17
Washoe sampler	42,350.90	42,126.25
Rocker	31,370.95	42,381.06
Alice department	4,662.25	4,615.75
Deer Lodge Valley Farms Co		32,035.94
Watchmen (special)	2,250.00	3,600.00
Examiners, cut-over land		4,188.97
Blackfoot Lands Development Co		1,649.43

Statement showing amount of money paid for wages and salaries, years 1912 and 1913, Anaconda Copper Mining Co.—Continued.

	1912	1913
Atlantic Mines Co.		$3,101.75
Helena legal office	$1,500.00	1,500.00
Foundry department, Anaconda	229,008.65	279,279.70
Brick department, Anaconda	36,033.47	38,889.09
Electric light and railway departments, Anaconda	56,772.65	55,345.50
Waterworks department, Anaconda	7,224.90	10,662.65
Hotel department, Anaconda	30,107.17	30,797.23
Purchasing department	117,260.08	130,596.14
Hardware department	28,442.06	29,964.28
Lumber department:		
Bonner	423,890.33	426,629.77
St. Regis	151,267.67	126,386.86
Hamilton	54,272.54	74,947.50
Coal department, Belt	128,205.69	48,192.74
Mercantile department, Belt	14,725.31	12,815.57
Coal department, Washoe	185,714.83	221,832.68
Great Falls reduction works	1,305,909.64	1,606,915.40
Brick department, Great Falls	26,604.65	44,960.27
Hope Lumber Manufacturing Co.	84,032.61	89,645.23
Diamond Coal & Coke Co.	631,716.85	612,356.75
Mountain Trading Co.	24,002.28	25,289.61
Interstate Lumber Co.	57,667.28	69,613.16
Mill Creek Timber Co.	1,882.05	35,491.95
Mines Timber Co.	116,234.14	107,143.49
Total	18,306,209.47	20,215,039.05

KELLEY EXHIBIT NO. 3.

Employees, by occupations, July 1, 1914.

Assayers	17
Blacksmiths	61
Blacksmiths' helpers	60
Boiler makers	26
Boiler-makers' helpers	24
Boiler cleaners	10
Boiler-cleaners' helpers	4
Cable repairers	76
Carpenters	130
Carpenters' helpers	64
Compressor men	28
Electricians	52
Electricians' helpers	13
Engineers	163
Firemen	67
Coal passers and ash men	12
Foremen	23
Foremen, assistant	32
Foremen, surface	7
Laborers	335
Masons	7
Masons' helpers	25
Machinists	132
Machinists' helpers	94
Machinists' apprentice	10
Miners and other underground employees	6,785
Oilers and wipers	96
Painters	16
Pipemen	62
Pump men	110
Samplers	21
Shift bosses	170
Station tenders	178
Stablemen	3
Teamsters	28

Timekeepers	73
Tool sharpeners	20
Tool-sharpeners' helpers	20
Watchmen	133
Total	9,187

KELLEY EXHIBIT NO. 4.

Employees of Anaconda Copper Mining Co., at its mines at Butte, Mont., July 1, 1914, showing wage rate, which is based on the monthly price of electrolytic copper.

Occupation.	When price of copper is under 15 cents.	When price of copper is 15 cents and under 17 cents.	When price of copper is 17 cents and under 18 cents.	When price of copper is 18 cents and over.
Assayers	[1]	[1]	[1]	[1]
Blacksmith, boss	$5.00	$5.25	$5.25	$5.25
Blacksmiths	4.50	4.75	4.75	4.75
Blacksmiths' helpers	3.50	3.75	3.75	3.75
Boiler makers	4.50	4.75	4.75	4.75
Boiler-makers' helpers	3.50	3.75	3.75	3.75
Boiler cleaners	3.75	4.00	4.00	4.25
Boiler-cleaners' helpers	3.00	3.25	3.25	3.50
Cable repair bosses	4.00	4.25	4.25	4.25
Cable repairers	3.50	3.75	3.75	3.75
Carpenter's boss	5.00	5.25	5.25	5.25
Carpenters	4.50	4.75	4.75	4.75
Sawyers	4.00	4.25	4.25	4.25
	3.75	4.00	4.00	4.00
Sawyer's helpers	3.50	3.75	3.75	4.00
Compressor men	4.00	4.25	4.50	4.50
Diamond drill runners	4.00	4.25	4.50	4.50
Diamond drill helpers	3.50	3.75	4.00	4.00
Engineers, first motion	4.50	4.75	5.00	5.00
Engineers, geared	4.00	4.25	4.50	4.50
Electricians	4.50	4.75	4.75	4.75
Electrician's helpers	3.50	3.75	3.75	4.00
Firemen	3.50	3.75	4.00	4.00
Coal passers and ash men	3.00	3.25	3.25	3.50
Laborers	3.00	3.25	3.25	3.50
Change-house men	3.00	3.25	3.25	3.25
	3.50	3.50	3.50	3.50
Machinists	4.50	4.75	4.75	4.75
Machinists' helpers	[2]	[2]	[2]	[2]
Miners (all underground men engaged in mining)	3.50	3.75	4.00	4.00
Miners (in shafts, station cutting, and winzes)	4.00	4.25	4.50	4.50
Locomotive drivers, surface	3.50	3.75	3.75	4.00
Oilers	3.00	3.25	3.25	3.50
Oilers (second-class license)	3.50	3.75	3.75	4.00
Pump men	4.00	4.25	4.50	4.50
Pipemen (general)	4.00	4.25	4.25	4.25
Pipemen	3.50	3.75	4.00	4.00
Painters	4.75	4.75	4.75	4.75
Shift bosses	5.00	5.25	5.50	5.50
Station tenders	4.00	4.25	4.50	4.50
Teamsters and stablemen	3.25	3.50	3.50	3.50
Teamsters and stablemen helpers	3.00	3.25	3.25	3.25
Timekeepers	[3] 125.00	[3] 125.00	[3] 125.00	[3] 125.00
Toolmen	3.50	3.75	4.00	4.00
Tool sharpeners	4.00	4.25	4.25	4.25
Tool-sharpeners' helpers	3.50	3.75	3.75	3.75
Watchmen	3.00	3.25	3.25	3.25
	3.50	3.50	3.50	3.50
Assistant foremen	6.00	[3] 200.00	[3] 200.00	[3] 200.00

[1] $150 to $175 per month. [2] According to class, 25-cent raise. [3] Per month.

Eight hours is the day's work for all occupations.
Where 3 consecutive shifts are employed, one-half hour in each 8 hours is given for lunch.

KELLEY EXHIBIT NO. 5.

Number of cases of personal injuries, Anaconda Copper mining Co., copper mines, Butte, Mont., years 1910–1913.

Killed:		
Fall of ground	56	
Falling drill	1	
Falling	34	
Blast	22	
Caught by machinery	5	
Caught by car	6	
Caught by cage	9	
Electrocuted	7	
Falling rock	6	
Overwinding	1	
Gas	4	
Runaway engine	5	
Falling timber	4	
Sliver from guide	1	
Scalded by steam	1	
		162
Paralysis: Fall of ground		2
Loss of 2 eyes: Blasted		5
Loss of 1 eye:		
Fall of ground	2	
Blasted	5	
Copper water	1	
Handling tools	6	
Handling material	1	
		15
Loss of 1 finger or thumb:		
Handling material	1	
Caught by car	6	
Fall of ground	6	
Handling tools	2	
Falling rock	1	
Falling timber	1	
Caught by machinery	1	
		18
Loss of 2 fingers:		
Caught by machinery	1	
Falling rock	1	
Caught by car	1	
Handling tools	1	
		4
Loss of 1 arm:		
Caught by machinery	2	
Falling rock	1	
		3
Loss of 2 toes:		
Caught by machinery	1	
Fall of ground	1	
		2
Loss of 1 foot: Fall of ground		2
Loss of 1 leg:		
Caught by car	1	
Fall of ground	3	
Runaway engine	1	
		5
Loss of thumb and 2 fingers: Caught by machinery		1
Loss of 3 fingers: Fall of ground		1
Loss of 3 toes: Fall of ground		1
Loss of 4 fingers: Caught by machinery		1
Loss of 1 arm and 1 eye: Blast		1
Loss of 2 eyes and 1 arm: Blast		1
Loss of thumb and 3 fingers: Handling tools		1

Loss of 1 toe: Handling tools		2
Fracture of arm and 2 ribs: Falling rock		1
Fracture of 2 feet: Falling		1
Fracture of 2 toes: Fall of ground		1
Fracture of ankle:		
Fall of ground	2	
Falling timber	1	
		3
Fracture of hip: Falling		1
Fracture of collar bone: Caught by car		1
Fracture of back: Fall of ground		1
Fracture of 1 finger or thumb:		
Caught by car	11	
Handling tools	7	
Fall of ground	10	
Handling material	3	
Falling rock	6	
Falling	2	
Caught by machinery	1	
Falling timber	1	
		41
Fracture of 2 fingers:		
Fall of ground	3	
Handling material	1	
		4
Fracture of 1 hand:		
Fall of ground	3	
Handling tools	3	
Falling	1	
Caught by cage	1	
Caught by car	2	
Handling material	1	
		11
Fracture of 1 arm:		
Falling	7	
Caught by car	9	
Caught by cage	2	
Falling timber	3	
Handling material	1	
Fall of ground	4	
Caught by machinery	2	
Falling rock	3	
Handling tools	3	
		34
Fracture of shoulder:		
Falling rock	1	
Fall of ground	1	
Falling	1	
		3
Fracture of clavicle:		
Falling	1	
Fall of ground	3	
Caught by car	1	
Handling tools	1	
Falling timber	1	
		7
Fracture of clavicle and one rib: Fall of ground		1
Fracture of breast bone: Caught by machinery		1
Fracture of 1 rib and 1 finger: Kicked by horse		1
Fracture of 1 rib:		
Fall of ground	1	
Caught by car	2	
Falling	3	
Falling timber	1	
		7

Fracture of 2 ribs:		
Fall of ground	4	
Falling timber	1	
Falling	1	
Falling rock	1	
Caught by car	1	
Handling material	1	
		9
Fracture of 6 ribs: Fall of ground		1
Fracture of nose:		
Fall of ground	2	
Caught by car	2	
Falling	2	
Handling material	1	
Falling timber	1	
Falling rock	1	
		9
Fracture of skull:		
Caught by cage	1	
Falling	1	
Handling material	1	
Fall of ground	5	
Falling rock	4	
		12
Fracture of skull and injury to eye and ear: Falling		1
Fracture of pelvis—Rupture of urethra and hernia: Fall of ground		1
Fracture of 1 toe:		
Fall of ground	7	
Caught by cage	1	
Caught by machinery	1	
Falling rock	1	
Handling material	3	
Handling tools	1	
		14
Fracture of 1 foot:		
Fall of ground	11	
Handling tools	4	
Handling timber	5	
Handling material	1	
Caught by car	3	
Falling	1	
Falling rock	2	
		27
Fracture of 1 leg:		
Falling	16	
Fall of ground	67	
Caught by car	20	
Caught by cage	3	
Falling timber	6	
Handling tools	4	
Falling rock	6	
Handling material	3	
Runaway engine	4	
		129
Fracture of both arms: Falling		1
Fracture of jaw:		
Fall of ground	1	
Handling material	1	
Handling tools	1	
		3
Fracture of jaw and 2 ribs: Caught by cage		1
Fracture of 1 leg and shoulder: Fall of ground		1
Fracture of leg and 3 ribs:		
Caught by cage	1	
Fall of ground	1	
		2
Fracture of leg and jaw: Fall of ground		1

Fracture of 3 ribs:		
Falling	1	
Fall of ground	1	
Caught by car	1	
		3
Fracture of 2 legs:		
Caught by cage	1	
Fall of ground	2	
Falling	3	
Runaway engine	2	
		8
Fracture of 1 leg and 1 arm:		
Falling	1	
Caught by cage	1	
Fall of ground	2	
		4
Dislocated shoulder:		
Caught by car	1	
Falling	3	
Falling rock	1	
		5
Dislocated ankle: Falling		1
Dislocated hip:		
Caught by car	1	
Falling	1	
Fall of ground	3	
Falling timber	1	
Falling rock	1	
		7
Injury to groin:		
Fall of ground	3	
Caught by car	9	
Falling rock	4	
Handling tools	10	
Handling material	7	
Falling	3	
		36
Ruptured:		
Handling material	5	
Falling	2	
Fall of ground	2	
Handling tools	3	
Caught by car	3	
		15
Ruptured urethra:		
Falling	1	
Falling rock	1	
		2
Injury to eyes (not severe):		
Handling tools	25	
Handling material	26	
Bursting pipe	1	
Falling rock	6	
Fall of ground	3	
Falling	2	
Electricity	1	
		64
Injury to eyes (severe):		
Handling tools	2	
Falling rock	1	
		3
Burned (not severe):		
Steam	3	
Electricity	2	
		5

Burned (severe):		
Steam	6	
Hot water	1	
Boiler fire box	1	
Fire	1	
Electricity	3	
Handling material	1	
		13
Injury to head or face (not severe):		
Handling tools	44	
Falling	16	
Handling material	9	
Caught by car	14	
Fall of ground	161	
Falling rock	84	
Falling timber	9	
		337
Injury to head or face (severe):		
Fall of ground	3	
Handling tools	4	
Falling timber	1	
Falling rock	3	
Falling	1	
		12
Injury to head or face (not fractured):		
Blast	7	
Fall of ground	298	
Handling material	38	
Handling tools	96	
Falling	41	
Caught by car	15	
Falling timber	27	
Falling rock	159	
Caught by machinery	1	
Caught by cage	1	
		683
Injury to arms, hands, or fingers (not fractured):		
Caught by car	312	
Fall of ground	379	
Falling	85	
Caught by cage	6	
Falling timber	26	
Caught by machinery	31	
Handling tools	297	
Handling material	272	
Falling rock	180	
Blast	6	
Runaway engine	1	
		1,595
Injury to back or shoulders (not fractured):		
Fall of ground	344	
Caught by car	90	
Falling	200	
Caught by cage	7	
Handling material	58	
Handling tools	44	
Falling timber	44	
Blast	2	
Falling rock	62	
Caught by machinery	3	
Runaway engine	1	
		855
Injury to legs, feet, or toes (not fractured):		
Handling material	233	
Fall of ground	427	
Caught by car	272	
Falling	122	

Injury to legs, feet, or toes (not fractured)—Continued.		
Handling tools	178	
Caught by cage	18	
Caught by machinery	3	
Falling timber	96	
Falling rock	152	
Blast	2	
Runaway engine	5	
		1,508
General cuts and bruises:		
Caught by car	22	
Fall of ground	102	
Falling	76	
Caught by cage	3	
Blast	10	
Falling timber	8	
Handling material	13	
Falling rock	6	
Caught by machinery	1	
Electricity	1	
Overwinding	1	
		243
Total		5,957
Total killed		162
Total injured		5,795
Grand total		5,957

Total number of shifts worked, 10,934,957.
For each 67,500 shifts worked, 1 man was killed.
For each 1,888 shifts worked, 1 man was injured.
In 1910 per 1,000 men employed, 4.91 were killed.
In 1911 per 1,000 men employed, 3.98 were killed.
In 1912 per 1,000 men employed, 4.47 were killed.
In 1913 per 1,000 men employed, 5.29 were killed.
For the four years, the average was, per 1,000 men employed, 4.68 killed.

KELLEY EXHIBIT NO. 6.

This agreement, made and entered into this 4th day of April, A. D. 1907, by and between Butte Miners' Union No. 1, Western Federation of Miners, party of the first part, and the Anaconda Copper Mining Co., party of the second part, witnesseth: That

Whereas the said second party hereto employs a number of members of the first party hereto at and about its mines, in the vicinity of Butte, Silver Bow County, Mont., and it is the desire of each of the respective parties hereto to perpetuate friendly relations and at the same time to have a definite agreement with reference to the compensation to be paid the members of said first party by said second party:

Now, therefore, in consideration of the mutual promises and agreements herein specified it is agreed between the respective parties hereto as follows, to wit:

1. That eight (8) hours in each twenty-four (24) hours shall constitute a shift or day's work.

2. That the miners shall start to go down the shaft or into other mine opening at the beginning of the shift and shall leave their places of work at the expiration of eight and one-half (8½) hours from that time, it being understood that the miners shall have one-half hour of said time in which to eat lunch, the miners to be hoisted or come from their work on their own time. It is also understood that where three consecutive shifts are employed eight (8) consecutive hours shall constitute a day's work.

3. Where the word "miner" is used in this agreement it shall mean all underground men engaged in any of the work of mining.

4. The rate or amount of wages to be paid miners for a day's work, or proportionately for a part of a day's work, to be determined as follows: The aver-

age market price per pound of electrolytic copper as given in the Engineering and Mining Journal for each calendar month shall be the basis for determining the rate of wages.

5. When the average monthly price of electrolytic copper shall be eighteen (18) cents per pound or over, then the wage rate shall be four ($4) dollars per day for all miners other than miners in shafts, station cutting, winzes, and station tenders, and for all miners in shafts, station cutting, and winzes, and station tenders the wage rate shall be four dollars and fifty cents ($4.50) per day.

6. When the average monthly price of electrolytic copper shall be under eighteen (18) cents per pound, then the wage rate shall be three dollars and fifty cents ($3.50) per day for all miners other than miners in shafts, station cutting, and winzes, and station tenders; and for all miners in shafts, station cutting, and winzes, and station tenders the wage rate shall be four dollars ($4) per day; and in no case shall wages be less than specified in this section.

7. Should a miner's employment terminate by reason of voluntarily quitting, discharge, or other reason, before the end of any calendar month, the rate of settlement in such cases shall be as follows: The wage rate for any settlement made for any part of a month up to and including the 15th of said month shall be based upon the previous month's average price of electrolytic copper. The wage rate for any settlement made for any part of a month extending beyond the 15th of said month shall be made for the whole time of employment in said month at a rate based upon the average price of electrolytic copper for the first 15 days of the calendar month of settlement.

8. Should the authority used in ascertaining the market price of copper appear to either party to this agreement to be false or wrong at any time, then either party shall have the right to request that a representative be appointed by each party, and those two persons to appoint a third, a majority of whom shall decide on the method or means to be used in arriving at the correct market price of copper for purposes of this agreement.

9. Nothing in this agreement shall deny or preclude the right to employees, either themselves or through the first party hereto, from taking up with the second party hereto the question of any grievance or unfair treatment, or any matter not herein agreed upon that may require adjustment.

10. It is agreed that this agreement and contract shall remain in full force and effect for a period of five (5) years from and after the 1st day of April, A. D. 1907; and said agreement shall remain in full force and effect thereafter until thirty (30) days' notice shall be given by either party of its desire to terminate the same.

In witness whereof said party of the first part has caused these presents to be executed, in duplicate, by the following committee, thereunto duly authorized by the said first party; and the second party has caused these presents to be executed, in duplicate, by its proper officer, thereunto duly authorized, the day and year herein first above written.

[SEAL.] BUTTE MINERS' UNION No. 1, W. F. M.,
By P. J. DUFFY,
ED. F. BOYLE,
JOHN J. CONWAY,
JAMES WHITE,
MICHAL MCCORMICK,
Authorized Committee, Party of the First Part.

[SEAL.] ANACONDA COPPER MINING CO.,
By JOHN D. RYAN,
Its President, Party of the Second Part.

KELLEY EXHIBIT NO. 7.

This agreement, made and entered into this 3d day of July, A. D. 1912, by and between the Butte Miners' Union No. 1, Western Federation of Miners, hereinafter designated as the "Union," party of the first part, and the Anaconda Copper Mining Company, hereinafter designated as the "Mining Company," party of the second part, witnesseth:

Whereas the said Mining Company employs a number of the members of the Union at and about its mines in the vicinity of Butte, Silver Bow County, Mont., and it is the desire of each of the respective parties hereto to perpetuate friendly relations and at the same time to have a definite agreement with reference to

the compensation to be paid the members of the Union employed by the Mining Company;

Now, therefore, in consideration of the mutual promises and agreements herein specified, it is agreed between the respective parties hereto as follows, to wit:

1. That eight (8) hours in each twenty-four (24) hours shall constitute a shift or day's work.

2. That the men employed underground belonging to said Union shall start to go down the shaft or into other mine opening at the beginning of a shift, and shall leave their places of work at the expiration of eight and one-half (8½) hours from that time, it being understood that the miners shall have one-half (½) hour of said time in which to eat lunch, the miners to be hoisted or come from their work on their own time. It is also understood that where three consecutive shifts are employed, eight (8) consecutive hours shall constitute a day's work.

3. Where the word "miner" is used in this agreement it shall mean all underground men engaged in any of the work of mining and cage tenders at the collar of the shaft.

4. The rate or amount of wages to be paid miners for a day's work, or proportionately for a part of a day's work shall be determined as follows:

The average price of electrolytic copper as given in the Engineering and Mining Journal for each calendar month shall be the basis for determining the rate of wages.

5. The Mining Compay agrees that it will during the continuance of this contract pay a minimum wage scale which shall be equal to the amount which the members of the Union were receiving during the month of May, 1912.

6. When the average monthly price of electrolytic copper is fifteen (15) cents and over, and under seventeen (17) cents, the wages of all men within the jurisdiction of the Union employed underground shall be increased twenty-five (25) cents per day over and above the wage scale in effect during the month of May, 1912; when the price of electrolytic copper is seventeen (17) cents and over, the wages of all men employed underground belonging to the Union shall be increased an additional twenty-five (25) cents per day over the scale of wages received during the month of May, 1912.

The intention of the foregoing is that when the average monthly price of electrolytic copper is under fifteen (15) cents per pound, all miners other than miners employed in shafts, station cutting, and winzes, and station tenders, shall receive $3.50 per day; for all miners employed in shafts, station cutting, and winzes, and station tenders, the wage rate shall be $4 per day; when the average monthly price of electrolytic copper is fifteen (15) cents and under seventeen (17) cents then the wage rate shall be $3.75 per day for all miners other than miners employed in shafts, station cutting, and winzes, and station tenders, and for all miners employed in shafts, station cutting, and winzes, and station tenders, the wage rate shall be $4.25 per day; when the average monthly price of electrolytic copper is seventeen (17) cents per pound or over, the wage rate shall be $4 per day for all miners other than miners employed in shafts, station cutting, and winzes, and station tenders, and for all miners in shafts, station cutting, and winzes, and station tenders, the wage rate shall be $4.50 per day.

For all men employed upon the surface at or about any of the mines of the Mining Company, over whom the said Union has acquired jurisdiction from the mill and smeltermen's union, the wage rate shall be as follows: When the average monthly price of electrolytic copper is under fifteen (15) cents the wage rate shall be the scale formerly required by that union when copper was under eighteen (18) cents per pound; when the average monthly price of electrolytic copper is fifteen (15) cents and over and under eighteen (18) cents per pound, then the wage rate shall be increased twenty-five cents (25¢) per day above that scale, and when the average monthly price of electrolytic copper is eighteen (18) cents per pound and over then the wage rate for such employees shall be increased an additional twenty-five cents (25¢) per day. It is understood that whenever the Company has been paying during the month of May a rate in excess of the Union wage scale, the foregoing increase shall not apply, but in no case shall any employee receive less than the union scale as above specified.

7. Should a miner's employment terminate by reason of voluntarily quitting, discharge, or other reason before the end of any calendar month, the rate of settlement in such cases shall be as follows:

The wage rate for any settlement made for any part of a month up to and including the 15th of such month shall be based upon the previous month's price of electrolytic copper.

That wage rate for any settlement made for any part of a month extending beyond the 15th of such month shall be made for the whole time of employment in said month, at a rate based upon the average price of electrolytic copper for the first fifteen (15) days of the calendar month of settlement.

8. Should the authority used in ascertaining the market price of copper appear to either party to this agreement to be false or wrong at any time, then either party shall have the right to request that a representative be appointed by each party and those two persons shall appoint a third, a majority of whom shall decide on the method or means to be used in arriving at the correct price of copper for the purposes of this agreement.

9. Nothing in this agreement shall deny or preclude the right of employees, either themselves or through the said union, from taking up with the Mining Company the question of any grievance or unfair treatment or any matter not herein agreed upon that may require adjustment.

10. It is agreed that this agreement and contract shall take effect from June 1, 1912, and remain in full force and effect for a period of three (3) years from and after the date hereof, and that said agreement shall remain in full force and effect thereafter until thirty (30) days' written notice shall be given by either party to the other of its desire to terminate the contract.

In witness whereof, the said party of the first part has caused these presents to be executed in duplicate by the following committee, thereunto duly authorized by said first party, and the party of the second part has caused these presents to be executed in duplicate by its proper officers, thereunto duly authorized, the day and year first above written.

BUTTE MINERS' UNION No. 1, W. F. OF M.,
By JACOB OLIVER,
W. M. MAXWELL,
FRANK O'CONNOR,
JOSEPH PENHALL,
DENNIS MURPHY,
Authorized Committee of the Party of the First Part.

ANACONDA COPPER MINING COMPANY,
By C. F. KELLEY,
Its Vice President, Party of the Second Part.

KELLEY EXHIBIT NO. 8.

(A portion of this exhibit, entitled "Report of investigation of sanitary conditions in mines, and of the conditions under which the miners live in Silver Bow County," is printed as Kelley Exhibit No. 11.)

REPORT SHOWING RESULT OF INSPECTION OF DWELLINGS, HOTELS, ROOMING HOUSES, AND BOARDING HOUSES AND THEIR SURROUNDINGS.

(In this report we have detailed only conditions found to be insanitary. A report covering all of the houses inspected would make too large a volume.)

No. 24 North Atlantic. Very dirty. Ten people; five rooms; 819 cubic feet air space to each. Toilet in house; sewer connection. Use condensed milk. One case tuberculosis, April, 1912. Disinfected six months ago. Tenant lived there five years.

No. 246 Anaconda Road, rooming and boarding house. Sixteen people; eight rooms, two people in each room; average air space, 540 cubic feet to each person. Toilet outside; sewage disposed of in creek. Own cow. Very dirty and insanitary place. Woman was cooking meal and looked very unclean. One tuberculosis, September, 1909; one, March, 1910; and one, May, 1910. Never disinfected.

No. 110 East Broadway. Forty people; 35 rooms; average 1,760 cubic feet air space to each person. Two toilets inside; sewer connection; fairly clean, but poor ventilation in the toilets; one tuberculosis, November, 1909. Never disinfected.

No. 508 East Broadway. Six people; one bedroom 16 by 9½ by 9; 228 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Independent Dairy. House fairly clean; poorly ventilated. Toilet very dirty; bad oder. One tuberculosis, March, 1910; one scarlet fever, May, 1909. Never disinfected. Tenant lived there one month.

No. 486 East Broadway. Two people; one bedroom; 480 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Very small house; dark and dirty. One scarlet fever, December, 1908; one tuberculosis, July, 1911. Never disinfected.

No. 333 East Broadway. Nine people; three rooms; room No. 1, five people, 304 cubic feet air to each; room No. 2, 643 cubic feet; and room No. 4, 742 cubic feet air space to each person. Toilet inside; sewer connections. Milk from Montana Dairy. Sanitary conditions very bad; toilet very dirty. One tuberculosis, April, 1911. Never disinfected.

No. 462 East Broadway. Seven people; three rooms. Room No. 1, three people, 336 cubic feet air space each; room No. 2, two people; and No. 3, two people, average 495 cubic feet air space to each person. Toilet in the house; sewer connections. Milk from Western Dairy or Creamery. Very insanitary; many flies; no screens; dirty rooms; and poor plastering. One tuberculosis, March, 1909. Never disinfected.

No. 897 East Broadway. Four people; three bedrooms. Room No. 1, 405 cubic feet air space and rooms 2 and 3, 810 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Own cow. House clean but henhouse and barn in back yard are very insanitary. Slops and waste water thrown into streets. House and surrounding lots are owned by the Anaconda Mining Co. One scarlet fever, February, 1910. Never disinfected. Tenant lived there 18 years.

No. 600½ East Broadway. Two people; one bedroom; 256 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Lundgren. Neat, clean house. Water pipe under sink leaking, and owner refuses to repair; causes house to be damp. Never disinfected. One tuberculosis, March, 1911.

Nos. 246–250 East Broadway (Florence Hotel). Rooms fairly clean, but toilets very bad; eight toilets in basement very dark and dirty. Rear of this hotel, in alley, very dirty and insanitary. Shops and refuse thrown into shed in rear. (See picture No. 1 of this shed and the pile of refuse.[1]) One tuberculosis, February, 1911; one tuberculosis, January, 1912.

No. 209 East Broadway. Four people; three bedrooms; poorly ventilated. Toilet outside; sewer connections. Milk from Independent Dairy. Very dirty and insanitary. One enteritis, April, 1911. Never disinfected.

No. 324 East Broadway. Eight people; four bedrooms. Room No. 1, 270 cubic feet air space to each person; room No. 2, 1,512 cubic feet air space to each person. Toilet inside; sewer connection. Milk from West Side Dairy. No screens on doors or windows; flies swarmed the place. Dirty and insanitary. One scarlet fever, June, 1910. Don't know when disinfected. Tenant lived there eight months.

No. 2201 Cottonwood. Four people; two bedrooms, 756 cubic feet air space to each person; fairly clean. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Children playing around house with swollen necks, discharge from ear, and eruptions on face. Never been disinfected. One scarlet fever, December, 1911; one scarlet fever, January, 1912. Tenant lived there 11 months. If place had been disinfected since January, 1912, present tenants would know.

No. 210 Curtis. Five people; two bedrooms. Room No. 1, 494, and room No. 2, 741 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Holstein Dairy. Never disinfected. One enteritis, August, 1909. Very dirty; cesspool only 4 feet from house.

No. 17 Corra Terrace. Four people; two bedrooms. Room No. 1, 544 cubic feet, and room No. 2, 342 cubic feet air space to each person. Toilet outside; sewage disposed of through a pipe from the house to the alley; carries slops, etc., into street. Milk from Mrs. Pierce, who has no license. Never disinfected. One tuberculosis, September, 1909.

No. 22 Cora Terrace. Four people; one bedroom, 272 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Own cow. Never disinfected. Very dirty house. Cowpen at back door. Many flies; no screens. Pipes in sink leaking and water dripping from side of house. One enteritis, August, 1909, and one August, 1911.

No. 1519 Clayton. Toilet outside; sewage disposed of in cesspool. Milk from Thomas, who has no license. House fairly clean, but yard very dirty. One tuberculosis, January, 1911. Never disinfected.

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[1] Not printed.

No. 2127 South Colorado. Toilet inside; sewer connections. Milk from Holstein Dairy. Never disinfected. One tuberculosis, December, 1909. House fairly clean, but yard very dirty.

No. 123 Covert. Twelve people; seven bedrooms; average 800 cubic feet air space to each person. Toilet inside; sewer connections. Use condensed milk. One enteritis, July, 1910. Toilet very dirty, small, and dark and poorly ventilated. Never disinfected.

No. 1817 South Dakota. Ten people; one room; 352 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Use condensed milk. Never disinfected. No communicable disease past two years. Very filthy, dirty place. Only one bed, and those who do not get into bed must sleep on old clothes or mattress on the floor. Glass broke out of windows and paper substituted. Hole in middle of the room; slops and dish water thrown into it. Odor in house very bad. Tenant lived there seven years.

No. 137 East Daly. One room; one bedroom; 980 cubic feet air space. Toilet outside; sewage disposed of into street. Do not use milk. Never disinfected. One tuberculosis, April, 1912. Very dirty and filthy place. Bad odor. Woman very unclean, and stated had running sores on her hips; her face and hands were covered with pimples. No garbage can, and slops, etc., thrown into street.

No. 823 North Excelsior. Four people; two rooms; 756 cubic feet air space to each person. Toilet in house; sewer connection. Milk from Mrs. Shea, who has no license. One tuberculosis, October, 1910. Never disinfected. Very dirty place and yard.

No. 2108 Firr. Five people; one room; 372 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Use condensed milk. Never disinfected. One tuberculosis, November, 1909. Fairly clean, but crowded.

No. 908 George Street. Three people; two rooms; 800 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Delmore. Never disinfected. One typhoid, June, 1910. House fairly clean, but cesspool only 10 feet from house.

No. 1121 Gallatin. Fairly clean house, but cesspool only 5 feet from house. Toilet outside; sewage disposed of in cesspool. Milk from Nine Mile Dairy. Disinfected February, 1912. One scarlet fever, January, 1912.

No. 307 East Granite. Vacant house, very dirty; surroundings very insanitary. One enteritis, September, 1909. Do not know when disinfected.

No. 1139 East Galena. Five people; two rooms; 360 cubic feet air space to each person. Toilet outside; sewage disposed of into street. Milk from John Bono. Never disinfected. One enteritis, August, 1910. House clean inside, yard and surroundings very dirty and insanitary; pools of dirty water around and under the house; people state would dig cesspool soon.

No. 124 East Granite (Hazel Block). Ninety people; 48 rooms, average 585 cubic feet air space to each person. Rooms fairly clean, but garbage allowed to accumulate outside the kitchen door and apparently not hauled away for some time. Four toilets in house; sewage disposed of into sewer. Milk from Independent or Eagle Dairy. Disinfected September, 1909. No communicable disease in past two years. One typhoid in June, 1910. Tenant lived there six years.

No. 1019 East Galena. Two people; one room, 540 cubic feet air space to each person. Toilet outside; sewage disposed of into street. Milk from Turner, who has no license. Never disinfected. One enteritis, December, 1910. Dirty water from houses upon hill, making it very insanitary around this and other places in this vicinity.

No. 2210 Hays Street. Five people; two rooms, 450 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Milk from Meaderville Dairy. Disinfected March, 1912. One scarlet fever, March, 1912. Very dirty and insanitary. Hogpen 20 feet from house, and refuse and slops thrown into alley.

No. 102 Kemper. Four people; one bedroom, 264 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Milk from Montana Dairy. Never disinfected. One enteritis, August, 1909. Cesspool only 10 feet from house; very dirty, and odor is so bad people state they are going to move on this account; has not been cleaned for some time.

No. 27 East La Platte. Ten people; four rooms. Room No. 1, 324 cubic feet air space, and rooms 2, 3, and 4, 697 cubic feet air space to each person. Sewage disposed of into street. Toilet outside. Milk from Mrs. O'Brien,

who has no license. Never disinfected. One enteritis, August 1911. House fairly clean, back yard dirty and insanitary.

No. 61 East La Platte. Four people; one room, 378 cubic feet air space to each person. Toilet outside; sewage disposed of into street. Milk from Mrs. O'Brien, who has no license. One typhoid, April, 1910. Disinfected April, 1912. House fairly clean, but great deal of water running through yard, and big puddle of water standing in front of the house (green color).

No. 395 East Mercury. Twelve people; three rooms. Room No. 1, 187 cubic feet air space to each person; rooms Nos. 2 and 3, 140 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Milk from Riley. Never disinfected. No communicable disease in past two years. Place very dirty, insanitary, and crowded.

No. 254 East Mercury (Chinese laundry). Five people; one room, 500 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. No communicable disease in past two years. Very dirty and insanitary.

No. 49 Missoula Avenue. Five people; three rooms, 714 cubic feet air space to each person. Toilet outside; sewage disposed into cesspool. Own cow. Never disinfected. One enteritis, August, 1911. Very dirty and insanitary place.

No. 347 East Mercury (dago village). Three people; one room, 514 cubic feet air space to each person. Toilet outside; sewage disposed of in street. Use condensed milk. Never disinfected. One tuberculosis, 1909, and one tuberculosis, 1911. No garbage cans in this neighborhood, and slops and dirty water thrown into street. Three men batching here. Very dirty and insanitary in and around the house. (See photograph[1] No. 3, two of the occupants of the house standing in front of garbage pile. No. 2, manure pile rear and close to street. Photograph No. 4 is another view of this settlement; houses very close together, several families living in less than 50 feet; slops and refuse thrown into street; looks very insanitary.)

No. 214 East Mercury. Three people; two bedrooms, 540 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Montana Dairy. Disinfected regularly. One tuberculosis, March, 1910. Inside of house neat and clean; water pipe broken in sink, and holes in bottom of sink; owner refuses to connect and repair. Cesspool and toilet only about 15 feet from house and three families use them; very insanitary.

No. 276 East Park (Clarence Hotel). Kitchen in a very insanitary condition when inspected August 7, 1912; scraps of food on floors and porch, and heaps of it in back yard.

No. 17 South Oklahoma. Seven people; two rooms. Room No. 1, five people, 259 cubic feet air space, and room No. 2, two people, 540 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Use condensed milk. One enteritis, August, 1909. Never disinfected. House very dirty and crowded; poorly ventilated.

No. 301 East Park. Four people; two bedrooms, 540 cubic feet air space to each person. Toilet inside; sewer connections. Milk from John Bros., who have no license. Never disinfected. One scarlet fever, August, 1910. Very dirty, dark, and poorly ventilated. Tenant lived there 20 years.

No. 705 East Park. One person; one room, 1,404 cubic feet air space. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Disinfected August, 1911. One tuberculosis, February, 1909. Two dogs in kitchen; uncovered food also in kitchen. Toilet and kitchen very dirty and insanitary.

No. 337 East Park. Four people; two rooms, 544 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis, August, 1909. Many outside toilets in this neighborhood; not very clean or sanitary.

No. 918 East Park. Five people; two bedrooms. Room No. 1, three people, 447 cubic feet air space; room No. 2, two people, 405 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Never disinfected. One tuberculosis. April, 1912. Milk, Holstein Dairy. Very dirty; many flies; floors dirty and slop pails uncovered.

No. 449 East Park. Two people; two rooms, 1,080 cubic feet air space to each person. Toilet outside; sewer connection. Use condensed milk. Disinfected August, 1910. One enteritis, June, 1910. Fairly clean. No ventilation from toilet, except through the kitchen. Very insanitary.

[1] Photographs not printed.

No. 340 East Park (rear). Three people; one room, 273 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Do not use milk. Never disinfected. One tuberculosis, Agust, 1909. Very dirty and insanitary. Many flies; no screens on doors or windows. Back yard full of trash and rubbish.

No. 361 East Park. Two people; 2 berdooms, 911 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis, April, 1910. House condemned. Tenants pay no rent. Very filthy and dirty.

No. 343 East Park. Six people; four rooms. Rooms 1 and 2, 540 cubic feet air space; 3 and 4, 1,200 cubic feet air space to each person. Toilet inside; sewage disposed of in cesspool. Milk from Montana Dairy. Never disinfected. One tuberculosis, January, 1910. Very dirty house; no screen doors or windows; many flies; water pipes leaking in toilet and toilet very dirty and insanitary.

No. 117 West Pacific. Four people; one room, 380 cubic feet air to each person. Toilet outside; sewage disposed of in cesspool. Milk from Reliable Dairy. Never disinfected. One enteritis, September, 1909. House very dirty, poorly ventilated, and crowded.

No. 349 East Park. Four people; one bedroom, 236 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Use condensed milk. Never disinfected. One tuberculosis, February, 1909. House fairly clean, but crowded; four families use same toilet.

No. 253 West Pacific. Ten people; 3 rooms. Room No. 1, 390 cubic feet air, and rooms 2 and 3, 520 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Phillips, who has no license. Never disinfected. One enteritis, July, 1910. Fairly clean. Water pipe from sink empties into street within few feet from the house; bad odor.

No. 19 Plum Street. Three people; two bedrooms, average air space to each person 434 cubic feet. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One scarlet fever, December, 1911. House small and dark; little chance to isolate scarlet-fever patients. Tenant lived there one month. Would not know about disinfection.

No. 30 Plum Street (flat No. 1). Eight people; 2 rooms. Room No. 1, 449 feet, and room No. 2, 166 cubic feet air space to each person. Six people in room No. 2. Toilet outside; sewage disposed of in cesspool. Milk from George Pinchello. Never disinfected. One tuberculosis, April, 1911. House fairly clean but very crowded.

No. 30 Plum Street (flat No. 2). Five people; two rooms. Room No. 1, three people, 480 cubic feet air, and room No. 2, two people, 720 cubic feet air space to each person. Toilet outside; sewage disposed of into cesspool. Milk from George Pinchello. Never disinfected. One tuberculosis, April, 1911, and one tuberculosis, October, 1911. House fairly clean, but pigpen at back door, very insanitary.

No. 41 Plum Street. Six people; three rooms, 715 cubic air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Pinchello. Never disinfected. One typhoid fever, October, 1910. House fairly clean, but back yard filthy; cowpen at back door, very insanitary.

No. 1105 East Park. Seven people; three rooms. Room No. 1, 420 cubic feet, room No. 2, 600 cubic feet, and No. 3, 700 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Disinfected September, 1910. One tuberculosis, February, 1910. House fairly clean, but conditions in back yard very bad; many flies, etc.

No. 21 Plum Street. Condition in vacant half block adjacent to this place is very insanitary; people in streets above keep hogs and cows; slops and refuse are thrown into alley, rain washes it down into flat where it lodges in an old cellar on flat, close to 21 Plum Street; no drainage from this hole and water stands in it until dried up by the sun; cats are drowned here and dead animals are thrown into this hole; people compelled to keep windows and doors closed on account of the odor from this place.

No. 430 East Park. Vacant brick house; very dirty and insanitary in and about the place. Family living in basement. Very dirty; no garbage cans; slops and refuse thrown in back yard close to back door. Never disinfected. One tuberculosis, January, 1909.

No. 312 East Park (saloon and rooming house; proprietor, Mr. Saair). Saloon and rooms insanitary, and back yard very dirty; slops and refuse thrown

under stairway at back door; odor from this very bad. Saair's attention called to it and photo No. 5[1] shows the pile of refuse under the stairway.

No. 29 East Quartz (Silver Lake Hotel). Seventy-five people; 35 rooms; two people in each room; average air space, 720 cubic feet to each person. Toilet inside; sewer connection. Milk from Crescent Dairy. Disinfected regularly. One scarlet fever, April, 1910, one tuberculosis, January, 1911, and one diphtheria, August, 1909. House and rooms clean and neat inside. Alley in rear very dirty and insanitary. Refuse from the hotel thrown out of windows into vacant lot on west side; landlady of the Napton Hotel stated smell from this vacant lot very bad at times and has often lost roomers on this account. There is also a large open box at rear of hotel in alley which is used for garbage, etc.; the lady at Napton stated this box is often filled and then not cleaned out for two or three days and this also causes her roomers to complain and leave the hotel. The alley in general is very dirty (except at rear of Napton Hotel) and needs cleaning up.

No. 1259 East Second. Four people; three rooms. Room No. 1, two people, 770 cubic feet; room No. 2, one, 1,100 cubic feet of air space to each person; room No. 3, not occupied. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Peary, who has no license. Never disinfected. One tuberculosis, March, 1909. House fairly clean, but cesspool only 3 feet from house.

No. 316 Shields. Six people; one room, 220 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Parrott Dairy. Never disinfected. One enteritis, July, 1910. Dirty and insanitary; poor ventilation; but one small window in bedroom.

No. 401 Shields. Six people; one bedroom, 200 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Delmore. Never disinfected. One enteritis in February, 1912. House dirty, dark, and damp. Raining while inspector there, and the people had pan in the center of the room to catch the water which leaked through the roof.

No. 530 Shields. Six people; three rooms, average 450 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Used condensed milk. Never disinfected. One enteritis in August, 1910. House fairly clean, but cesspool only 4 feet from house and very insanitary. No sewerage in this neighborhood. Present tenant has lived there six months.

No. 22 East Summit. Four people; two bedrooms, average 576 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis, April, 1910. House and back yard fairly clean, but slops, etc., thrown into street.

No. 12 East Summit. Two people; two bedrooms, 960 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Sullivan, who has no license. Never disinfected. One enteritis in August, 1910. House fairly clean. Cesspool dirty and insanitary, needs cleaning badly.

No. 1550 Second Avenue. Five people; two bedrooms. Room No. 1, 540 cubic feet of air space, and room No. 2, 810 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in January, 1910. House fairly clean. Two small windows on one side and one 2 feet square on the other. Yard very dirty; full of débris. Chicken coop and toilet 10 feet from house and very dirty and insanitary.

No. 103 Toboggan. Three people; two rooms. Room No. 1, 1,080 cubic feet of air space, and No. 2, 702 cubic feet of air space to each individual. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Hollohan, who has no license. Never disinfected. Two tuberculosis in March, 1910. House fairly clean, but surrounding neighborhood is dirty and insanitary; neighbors throw slops and wash water into streets.

No. 920 Waukesha. One person; two bedrooms, 1,512 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool and garbage can. Use condensed milk. Never disinfected. One tuberculosis in April, 1912. Very dirty and insanitary.

No. 525 North Wyoming. Two people; one room, 605 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. Two tuberculosis in May, 1909. This and following two houses are very dirty and insanitary. Poor ventilation. Occu-

[1] Not printed.

pants of house state there are but two people in each cabin, but Inspector McMallan believes there are more from indications.

No. 712½ North Wyoming. Seven people; three rooms. Rooms 1 and 2, 882 cubic feet air space per individual; and room No. 3, 588 cubic feet of air space per individual. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Sullivan, who has no license. Never disinfected. One enteritis, August, 1911. Very dirty neighborhood. Houses built back from street and close together. Many people keep hogs and cows. Slops and refuse thrown into alley. Many flies, and odor bad. No sewer.

No. 720½ North Wyoming. Six people; two rooms. Room No. 1, two people, 450 cubic feet of air space per person; No. 2, four people, 324 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Mrs. Sullivan, who has no license. Never disinfected. One tuberculosis in April, 1910. Very dirty and insanitary. Houses built close together back from street. Pigs and cows around. Slops and refuse thrown into alley. Many flies; no screens. Bad odor.

No. 725 North Wyoming. Four people; three rooms; average 600 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Milk from Mike Mickovich, who has not license. Disinfected September, 1908. Two tuberculosis, November, 1910. This neighborhood is dirty, but this house is filthy. Fifteen or twenty men live here, while the party who answered questions claimed but four live here. Slops thrown in back yard. Bedrooms very dirty and insanitary.

No. 825 North Wyoming. Two people; two bedrooms; average 1,320 cubic feet of air space to each person. Toilet inside; sewer connections. Own cow. Never disinfected. One tuberculosis in May, 1909. Very dirty and insanitary house.

No. 315 South Wyoming. Three people; three rooms; 1,009 cubic feet of air space to each person. Toilet inside; sewage in main sewer. Milk from party on South Jackson; could not give name. Disinfected regularly. One tuberculosis, June, 1910. Very neat house and yard.

No. 2210 Yew Street. Seven people; four rooms; average 780 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in May, 1909. Widow with several small children live here. Very crowded and dirty.

No. 2211 Yew Street. Seven people; four rooms; average 780 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in October, 1909. No garbage cans; garbage and slops thrown in back yard. Very insanitary.

No. 420 West Virginia. Two people; one bedroom; 882 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in December, 1910. Cesspool about 4 feet from house. Very dirty and insanitary.

No. 395 East Mercury. Twelve people; three rooms. Room No. 1, three people, 180 cubic feet of air space, and room No. 2, five people; room No. 3, four people, 140 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Never disinfected. Milk from Riley. No communicable diseases within past two years. Very dirty and crowded.

Just east of Mountain Con mine. Four people; three rooms, average 480 cubic feet of air space to each person. Toilet outside; sewage disposed of in cesspool. Own cow. Never disinfected, one tuberculosis in December, 1911. House fairly clean, but slops, etc., are thrown into street and there is a very bad odor.

No. 29 North Main. Thirty-five people; 32 rooms, average 636 cubic feet of air space to each person. Toilet inside; sewer connection. Milk from Independent Dairy. Never disinfected. One tuberculosis in January, 1911. Rooms very small and dark; halls about 3 feet wide, dark and poorly ventilated. Inner rooms no windows and no ventilation except through transom. Landlady stated but one person in each room, but there seems to be more.

No. 624 Placer. Four people; one room, 180 cubic feet of air space to each person. Toilet inside; sewer connection. Milk from Montana Dairy. Never disinfected. One tuberculosis in January, 1911. Bathtub and toilet are in the hall. Toilet pipes leak and odor is very bad.

No. 321 East Summit. House and yard are fairly clean, but sewer pipes are bursted and stopped up; odor very foul and insanitary.

No. 405 East Summit. Five people; two rooms. Room No. 1, 360 cubic feet of air space, and No. 2, 480 cubic feet of air space to each person. Toilet outside; sewage disposed of in street. Milk from Mrs. Shea, who has no license

and lives at No. 3 Ridgley Avenue. Never disinfected. One enteritis in October, 1911, and one case of tuberculosis in the house now. House and yard fairly clean, but Ridgley Avenue, where slops, etc., are thrown, would require a boat to get through.

No. 47 East Woolman. Seven people; three rooms. Room No. 1, three people, 266 cubic feet of air space to each person, and No. 2, three persons; room No. 3, two people, 224 cubic feet of air space to each person. Toilet outside; sewage disposed of in street. Use condensed milk. Never disinfected. One tuberculosis in February, 1910. House fairly clean. Toilet very dirty and insanitary. Slops thrown into street and run back into kitchen.

No. 20 East Woolman. Seven people; three rooms. Room Nos. 1 and 2, 756 cubic feet air space to each person. Toilet outside; sewage disposed of in cesspool. Use condensed milk. Never disinfected. One tuberculosis in 1911. House very dirty and insanitary. Some cabins in connection in rear are filthy dirty.

No. 432 East Park. In basement, very dirty and insanitary. No garbage cans. Back yard very dirty. People up stairs complain of the insanitary conditions below.

Mrs. McGrath, on Transit Street, selling milk to Mrs. William Malcare, 326 West Daily, has no license. Place very dirty and insanitary. Small barn. No ventilation. Chickens, ducks, turkeys, and pigs and cattle all together in same barn. Large manure piles at rear and side of barn. Great many flies. Pools of water here and there. Women very unclean.

Photograph No. 1,[1] manure piles at rear of 422 Transit. People have two or three cows and understand sell milk. Many flies around here, also, and conditions very insanitary.

No. 137 East Daily. Woman living alone; she is very dirty and filthy. House very unclean; queer odor; should be fumigated. Woman stated she had running sores on her body and her face was covered with pimples. East Daily to Main Street very dirty and insanitary. People throw slops and dirty water into street. No sewer in this neighborhood. Many children playing in this water.

East Galena Street. From 416 to 1139, very dirty and insanitary. No sewerage. Slops and dirty water thrown into yards and streets. Foul odor. Water from houses on the hill above this street comes down and runs through yards below. Pools and small streams of water every few yards. At 1139 East Galena water in pools under and around the house. Odor very foul.

No. 435 East Mercury (see photo 89).[1] Three cows. Yards and barns very dirty and filthy. Wet manure 3 or 4 inches deep all over yards. Two calves about 2 months old; chickens, ducks, turkeys, cows, and calves all mix together. Woman claimed she did not sell milk, but am of the opinion that she does. Stated she was a widow and alone and could not keep yard any cleaner.

No. 214 West Mercury. Three families use the same toilet and cesspool, Very small and insanitary. Water pipes and sink in house 214, but not connected, and owner refuses to connect. Sink full of holes. Should have new sink and pipes connected, as it would help to make the place more sanitary.

Mrs. Gray, 1215 West Granite. Selling milk to Mr. Pat Koane, 1207 West Granite; has no license. Barn small and no ventilation. Lady stated did not house cattle, but let them roam the hills night and day. Chickens and ducks housed in barns.

Basement of Napton Hotel (Young Woman's Association). Lady in charge called attention to rear window in kitchen which opened out on alley at rear; stated slops and other refuse is being thrown into this open window from adjoining houses and at times the stench is terrible. All the cooking for the Y. W. A. is done here, and on account of these people using this open window for a garbage can makes it very insanitary.

Photo No. 85,[1] back yard and toilet, 337 East Park Street. Very insanitary.

Photo No. 86,[1] back yard, 1100 block, East Broadway. "X" shows opening into shallow sewer, which has been provided for carrying off the slops. General conditions around this place insanitary.

Photo No. 87,[1] rear of 480 East Broadway. General junk pile and children at play.

Photo No. 88,[1] back yard, 430 Lee Avenue. Very insanitary.

Photo No. 89,[1] manure pile and barn, near 435 East Mercury. Very dirty cow yards and barn. Three milch cows, two young calves, and chickens, ducks, etc., all mixed together. Very insanitary.

[1] Not printed.

Photo No. 90,[1] rear 346 East Broadway. Surrounding conditions very fair. Thorough inspection made of poor farm. Complete report of this inspection has been submitted to Board of County Commissioners of Silver Bow County. In general we find that there is much need in way of improvement at the poor farm.

Photo No. 91,[1] 712 North Wyoming. "X" marks dead chicken. General conditions very insanitary. Entire block is one general junk pile.

Photo No. 92,[1] back yard 121 Center. Very insanitary. "XX" is pile of soiled clothes.

Photo No. 94,[1] rear of 145 East La Platte. Great deal of filth around. This place is insanitary.

Photo No. 95,[1] chicken yard No. 20 O'Neill Street, Centerville. The arrow points to wheelbarrow of manure. Place wet and filthy and only 16 by 20 feet, with turkeys, chickens, geese, and goat, also the dog.

Photo No. 96,[1] same as 94. Very filthy and insanitary.

Photo No. 97,[1] is another view of No. 20 O'Neill Street, Centerville.

Photo No. 98[1] shows the drain from Bennett Street to La Platte Street in Centerville.

Photo No. 99,[1] another view of No. 20 O'Neill Street, Centerville.

Photo No. 100a,[1] part of East La Platte Street, Centerville.

Photo No. 101a,[1] back yard No. 60 East La Platte Street, Centerville.

Photo No. 102,[1] back yard Minah Street, Centerville.

Photo No. 3,[1] general catchall in Centerville, natural drainage, only sewer known.

Photo No. 104a,[1] back yard No. 20 O'Neill Street Centerville.

Photo No. 105,[1] another view of same yard, general conditions; 100a to 105, inclusive, very dirty and insanitary.

Photo No. 109,[1] side street 1100 block on East Broadway.

Photo No. 121,[1] rear 728½ North Montana.

Photo No. 122,[1] No. 1600 Second Avenue, out on the flats The body of water remains whole year around.

Photo No. 123,[1] rear of West La Platte Street, Centerville.

Photo No. 120,[1] two old manure piles, rear of 422 Transit Street, Walkerville.

Photo No. 125,[1] toilet at 320 West Daily Street, Centerville. Very filthy and dirty; floor covered with feces. "X" marks a pile of manure.

Photo No. 126,[1] shows hole on West Daily Street, Walkerville. Water has no outlet and has a greenish color.

Photo No. 127,[1] a street in Meaderville.

Photo No. 128,[1] Main Street in Meaderville.

Photo No. 129,[1] rear of Main Street in Meaderville.

AIR ANALYSIS.

Saloon, corner Main and Broadway. Barometric reading, 24.3; temperature, 62; hygrometer, wet bulb 56, dry 62; carbon dioxide, 7.4 parts per 10,000; humidity, 69.

Saloon, 120 West Park. Barometric reading, 24.3; temperature, 55; hygrometer, wet bulb 52, dry 55; humidity, 82; carbon dioxide, 6.2 parts per 10,000.

Schilling's pool room, North Main. Barometric reading, 24.3; temperature, 57; hygrometer, wet bulb 56, dry 57; carbon dioxide, 7.3 parts per 10,000.

Symons Dry Goods Co.: Barometric reading, 24.3; temperature, 66; hygrometer, wet bulb 57, dry 66; humidity, 58; carbon dioxide, 6.1 parts per 10,000.

BACTERIOLOGICAL EXAMINATION OF AIR.

341 East Park, kitchen, negative, dining room, Florence Hotel, tetanus; 349 East Park, staphlacoccus aureus; 361 East Park, staphlacoccus albus; Bennett Block, second floor, colon bacillus; 343 East Park, upstairs, diplococcus pneumonia and staphlacoccus albus; 391 East Park, dining room, diplococcus pneumonia; 343 East Park, toilet, colon bacillus; Bismark Saloon, West Granite, negative; Merkle Cigar Store, North Main, negative; Schilling's pool room, negative; Symons Dry Goods Co., wrapping room, staphlacoccus albus; 128 West Park (saloon), negative; 619 East Broadway, colon bacillus; corner Main and Broadway (saloon), negative.

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[1] Not printed.

REPORT OF CONDITIONS NOTED IN STREETS.

By M. J. McNallan, M. D.

Little Minah. This street is about 20 feet wide. Houses are built close together. No sewer. Toilets close to back door at many houses. Rubbish and slops thrown into street. Alley between Minah and Buffalo about 12 feet wide; very filthy. Garbage thrown into alley. No sewer.

Mullin Street. Pile of decayed meat in alley near butcher shop. Refuse thrown on street in front of Mullin House. This part of the street is flat and very little drainage. Refuse from Wells and Center Streets washed down and becomes stagnant here. Some of the people have cows, and the manure is very much in evidence.

East La Platte. No sewer. Slop thrown in street. Many people have cows. Very dirty back yards. Refuse from Bennett and O'Neill Streets drain into East La Platte. Alley between Bennett and O'Neill Streets very dirty and narrow. So much refuse thrown into ally it is almost impossible to drive through. People also have pigs, and troughs are built to carry refuse from back yard into alley. This drains into East La Platte.

Toboggan Avenue. Receives drainage from Lexington and Gladstone Streets. Many people have cows and chickens. Tin cans and refuse thrown into street. Avenue steep and narrow, and people depend on floods to clean the street.

Anaconda Road. This street is not very dirty. There is no sewerage, however.

Clear Grit. Street is narrow but fairly clean. Houses are very small.

North Wyoming, 700 block. This is one of the dirtiest and most insanitary places inspected. Houses built throughout the block with little regard for alleys. Small and dirty. Slops thrown into street from nearly all the places. Houses are so thick there is scarcely room for toilets, and from the odor think toilets are not cleaned regularly. Some people have cows, and their places are filthy.

East Woolman Street. Tin cans and slops thrown into street. One place (47 East Woolman) do not carry slops as far as street but throw it out of the back door and let it run over the sidewalk. People on south side throw refuse out back door, and it runs into Gagnon Street. No sewer.

Ohio, Hopkins, New, and Mahoney Streets. This section is what is known as the Cabbage Patch and is too filthy to describe. Found but one garbage can covered; many of the garbage cans on the sidewalks and in the streets. Houses small, poorly ventilated; alleys filthy. Dead dog found in alley and, judging from odor, believe had been dead three or four days. Understand many miners live in this section on account of the cheap rent.

Meaderville Street. Slop and refuse thrown into street on south side of Main, north end of town. People have toilets built near the creek and trenches running from toilets to creek. Many keep pigs and cows.

Flat. The flat in general is pretty clean, but it is too flat for drainage. Many people have dug wells and use the water.

KELLEY EXHIBIT NO. 9.

GRANT DEED.

This indenture made the eighth day of April, A. D. 1912, between Robert Laing (unmarried), of Butte, Silver Bow County, Mont., party of the first part, and Archibald Chisholm, of the same place, party of the second part:

Witnesseth that the said party of the first part, in consideration of the sum of one and no one-hundredths dollars, lawful money of the United States of America, to him in hand paid, the receipt whereof is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey, unto the said party of the second part, and to his heirs and assigns forever, all of the following-described property, situated in Silver Bow County, State of Montana, to wit:

Lot numbered twenty-three (23) in block numbered five (5) of the Hope Addition to Butte, Mont., according to the official plat and survey thereof now on file in the office of the county clerk and recorder of the said Silver Bow County, Mont.

Excepting and reserving, however, from this conveyance all ores and minerals beneath the surface of the above-described premises, with the right to

mine for and extract the same, provided that in the exercise of such mining right the surface thereof shall not be disturbed or interfered with or in any wise damaged.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversions, remainders, rents, issues, and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand the day and year first above written.

ROBERT LAING.

STATE OF MONTANA, *County of Silver Bow, ss:*

On the 9th day of April, in the year 1912, before me, Isaac W. Genzberger, a notary public in and for State of Montana, personally appeared Robert Laing (unmarried), to me personally known to be the person whose name is subscribed to the foregoing instrument, and severally acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my notarial seal, the day and year in this certificate above written.

[SEAL.] ISAAC W. GENZBERGER.
Notary Public for the State of Montana, residing at Butte, Mont.

My Commission expires March 25, 1914.

Filed for record September 5, A. D. 1913, at 35 minutes past 2 o'clock p. m.

DAVE KEHOE, *County Recorder*,
By LEO BUTLER, *Deputy*.

(Recorded in vol. 108 of deeds, at page 456, records of Silver Bow County, State of Montana.)

KELLEY EXHIBIT NO. 10.

This indenture, made the 9th day of May, in the year of our Lord one thousand nine hundred and fourteen, between the Butte Land and Investment Co., a corporation duly organized and existing under and by virtue of the laws of the State of Montana, the party of the first part, and Alexander Mackel, of Butte, Silver Bow County, Mont., the party of the second part.

Witnesseth, that the said party of the first part, for and in consideration of the sum of one and no hundredths dollars ($1), lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey, and confirm unto the said party of the second part, and to his heirs and assigns, forever, all those certain lots, pieces or parcels of land situate, lying, and being in the county of Silver Bow and State of Montana, described as follows, to wit:

Lots numbered thirty-eight (38) and thirty-nine (39) in block No. two (2) of the Hurlburt Addition to the City of Butte, Silver Bow County, Mont., according to the survey and plat thereof on file in the office of the clerk and recorder of Silver Bow County, Mont.

Excepting from this grant and from the operation thereof, and reserving to the grantor herein, all veins, leads, lodes, ledges, ores, mines, minerals, metals, and mineral-bearing earth, rock and deposits, within or belonging to the above described tract of ground; together with the right to enter beneath the surface of the above-described tract of ground, and to mine, prospect for, and extract any and all of said ores and minerals, metals, and mineral-bearing earth, rock and deposits within or belonging to the said above described tract of ground, underneath a horizontal plane parallel to and fifty (50) feet below the natural surface of the said premises.

It is an express condition of this grant that the said described premises shall not, nor shall any part thereof, be used for saloon or road-house purposes, and that in the event of said described ground, or any part thereof, being used for saloon or road-house purposes, such use shall at once terminate this grant as a condition subsequent, and the title shall thereupon at once revert to the

grantors, who shall thereupon be entitled to reenter and take possession of said ground.

The grantee further agrees that he will erect thereon a house to cost not less than twelve hundred and no hundredths ($1,200) dollars, and further agrees that in construction of such house no building will be erected closer than 20 feet from the front line of the lot described.

The grantee further agrees that in the occupation of said land he will not maintain or suffer to be maintained thereon anything in the nature of a public nuisance.

Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining as usually had and enjoyed, save and except as hereinbefore excepted and reserved.

To have and to hold, all and singular the said premises unto the said party of the second part, and to his heirs and assigns forever.

It is understood and agreed that this deed is given in satisfaction of a certain agreement between the respective parties hereto dated the 23d day of October, 1913, wherein first party agrees to sell and second party agrees to buy above-described premises, and first party does not warrant title to said premises against any liens or encumbrances that may have arisen since the date of said agreement, affecting the same and not caused by said party of the first part.

In witness whereof said party of the first part has caused its corporate name to be hereunto signed by its president and attested by its secretary, thereunto duly authorized, and its corporate seal to be hereunto affixed the day and year first above written.

[SEAL.] BUTTE LAND AND INVESTMENT CO.,
By W. A. KEMPER, *President.*

Attest:
E. S. SHIELDS, *Secretary.*

STATE OF MONTANA, *County of Silver Bow, ss:*

On this 9th day of May, in the year 1914, before me, E. A. MacPherson, a notary public in and for the State of Montana, personally appeared W. A. Kemper, known to me to be the president of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

In witness whereof I have hereunto set my hand and affixed my notarial seal the day and year first above written.

[SEAL.] E. A. MACPHERSON,
Notary Public in and for the State of Montana, residing at Butte, Mont.

My commission expires June 4, 1915.

Filed for record June 1, A. D. 1914, at 15 minutes past 11 o'clock a. m.

DAVE KEHOE, *County Recorder.*
By J. R. ROSSITER, *Deputy.*

(Recorded in Vol. 113 of deeds at page 332, records of Silver Bow County, State of Montana.)

KELLEY EXHIBIT NO. 11.

REPORT OF INVESTIGATION OF SANITARY CONDITIONS IN MINES AND OF THE CONDITIONS UNDER WHICH THE MINERS LIVE IN SILVER BOW COUNTY.

(See also Kelley Exhibit No. 8.)

This investigation was undertaken to determine, if possible, the source of the high death rate from tuberculosis in Silver Bow County. The question has been discussed repeatedly, and it seems that there has never been a study of conditions on which the statements made by some "that all the tuberculosis in Silver Bow County comes from surface conditions," and that made by others "that all the tuberculosis in Silver Bow County comes from conditions in the mines," could be based.

The first work was that of studying the death records relative to tuberculosis from December, 1908, up to April, 1912, inclusive. We found that there had been 556 deaths from tuberculosis during this period. A map of Silver Bow County was secured, and the location of this disease was indicated thereon

with pins inserted into the map. The deaths occuring at hospitals were located at the point from which the patient went to the hospital. In other words, the death was classed as having occurred at the place where the patient lived, rather than at the hospital where he had been only a short time.

We find that of the 526 deaths 29 were among imported individuals—that is, individuals who did not live in Silver Bow County. Of the deaths reported as having occurred at the poor farm we find that in 32 the residence was not given, making a total of 61 that we could not class as regards residence. Of the 465 deaths whose residence we were able to locate we find that 330, or 71 per cent, occurred in a portion of the city and county, which, when mapped out, forms an irregular Maltese cross. (See diagram at end of this article.)

Outside of this area the pins indicating the deaths from tuberculosis are no more numerous than we find in any other city of the State.

A remarkable feature in connection with this study is the scarcity of deaths from tuberculosis in Walkerville and Meaderville. These two localities are populated largely by miners, and yet the deaths from tuberculosis among the residents of these two localities are very few compared with those within the "irregular Maltese cross area." This would seem to indicate that there is something within this "Maltese cross area" that has an influence on tuberculosis. Granting that the proportion of miners within this "Maltese cross area" is equal to that in Walkerville and Meaderville, why should there be such a large death rate among those living in one locality and such a comparatively small death rate among those living in the other locality? We believe that the fact that tuberculosis has existed in this "Maltese cross area" for such a long time that many, if not all, of the houses in this area are infected with this disease, while comparatively few of those in Walkerville and Meaderville have become infected. A study of the detailed report of conditions found would seem to support this theory.

The next study with regard to deaths from tuberculosis was a study of the deaths by nationalities. Of the 526 deaths reported we find that they occurred as follows:

Irish	270	Canadians	16
English	82	Polack	1
Swedish	17	French	4
Finlanders	38	Russians	7
Austrians	10	Scotch	5
Hungarian	1	Germans	14
Norwegians	3	Swiss	4
Italians	11	Chinamen	5
Welsh	8	Americans	30

This data is practically valueless unless we could know what proportion of each nationality constituted the population of Silver Bow County. On this subject we have been unable to secure reliable figures.

STUDY OF CONDITIONS IN MINES.

The study of the mines was carried out in the following manner. Two men accompanied by an engineer went through 10 of the mines; this being all that we were able to cover in the three and one-half months devoted to this work. A report was made with regard to each level and special reports relative to conditions found on any level, the following being the more important questions embodied in the report:

Date of inspection.
Name of mine.
Character of mine.
Photographs taken (flash-light pictures taken of all conditions of special interest).
Location in mine (with regard to level and position in level, number of men working, approximate air space where men are working).
Method of disposal of excreta.
Method of handling drinking water.
Source of drinking water.
Source of ice in water.
Condition of the level with regard to moisture (whether dry, moderately dry, or wet).

Whether or not sample of water was taken.
Method of ventilation (temperature, wet and dry bulb).
Whether or not sample of air was taken.
Whether or not culture plate was exposed to air.
Whether or not any level in mine is on fire, and if so, what measures are taken to control fire.
Condition of dry.
Condition of lockers in dry.
Whether or not culture plate were exposed to air in dry.
Bathing facilities in dry, how heated.
General condition.
Ventilation.
Whether or not pictures were taken of dry, and if so, number of the pictures.

Where culture plates were exposed to air, these were sent to the bacteriologist and report made on cultures found in such plates. Water and air samples were forwarded to Prof. W. M. Cobleigh, of Bozeman, Mont., and his report on these samples is embodied in the detailed report. A report answering the above question was made with regard to each level in each of the mines inspected, and also with regard to conditions in the various levels showing matters of special importance.

INSPECTION OF SURFACE CONDITIONS.

In the surface inspection 438 houses and their surrounding conditions were inspected. There were 2,949 occupants in these residences. There were 1,418 rooms in these residences. In regard to the air space per individual in the residences, we found as follows: 5 rooms, between 100 and 200 cubic feet of air space; 27 rooms, between 200 and 300 cubic feet of air space; 67 rooms, between 300 and 400 cubic feet of air space; 133 rooms, between 400 and 500 cubic feet of air space; 186 rooms, between 500 and 600 cubic feet of air space; 165 rooms, between 600 and 700 cubic feet of air space; 251 rooms, between 700 and 800 cubic feet of air space; 180 rooms, between 800 and 900 cubic feet of air spac; 56 rooms, between 900 and 1,000 cubic feet of air space; 348 rooms, over 1,000 cubic feet of air space; average, 335 cubic feet per individual.

There should certainly be a strictly enforced law prohibiting boarding houses, hotels, etc., renting rooms wherein the air space is less than 650 cubic feet per occupant.

In the study of the living conditions of the miners the following questions were answered with regard to each house:

Street and number.
Name of householder.
Number of photographs taken, if any.
Date and hour inspected.
Number of people living in house.
Number of bedrooms in house.
Cubic feet of air space per each individual occupying each room.
Whether or not more than one shift sleeps in any room.
Number of toilets in house.
Disposal of sewage.
Number of bathtubs.
Condition of bathtubs, whether clean or dirty.
Whether or not meals are served to boarders; and if so, source of milk supply.
Whether or not there has been a communicable disease in house during last two years. If so, when was house last disinfected?
How long present tenants have lived in house.
Whether or not sample of air was taken.
Whether or not culture plate was exposed.

When culture plates were exposed, or sample of air taken, these were submitted to the bacteriologist or chemist and their report is found in the detailed report submitted herewith.

AIR ANALYSIS.

In regard to air analysis, both in the mines and out, we find in Alexander Smith's College Chemistry the following: "Pure country air contains about 3

parts in 10,000 of carbon dioxide. In city air there are 6 to 7 parts in the same volume, while in air of audience rooms or where ventilation is defective the proportion may rise as high as 50 parts. The per cent of oxygen in dry air ranges between 20.26 and 21, the latter being the proportion in normal air."

We further quote from Dr. Thomas R. Crowder, in a bulletin of the Kansas State Board of Health, as follows:

"Since textbooks on hygiene and on ventilation and heating generally specify that carbon dioxide shall not be allowed to go above a few parts in 10,000 of air, it is supposed that any greater excess acts as a poison. The truth of the matter is quite otherwise; for whatever the percentage of CO_2 in the surrounding atmosphere may be, that in the air of the lungs remains constant at about 5 per cent of an atmosphere, and it is maintained so by the action of the respiratory center. The air of the lungs is never pure air; it never even remotely approaches pure air; and no one breathes pure air into his lungs. At each breath we take back into the alveoli the expired air contained in the nose and large bronchi, and this constitutes about one-third of the whole inspiration. This reinspiration is necessary in order to keep the CO_2 of the blood from falling too low. No excess of CO_2 enters into our bodies by breathing the atmosphere of the worst ventilated rooms, where the CO_2 certainly does not reach a higher concentration than 1 per cent of the atmosphere. The only result of breathing such an excess of CO_2 is a slight increase in the depth of respiration, which is exactly adjusted to keep the concentration of CO_2 in the alveolar air at the normal 5 per cent of an atmosphere.

"It has been pointed out by Lehmann and Hill that men who tend the fermentation vats in breweries work for long hours in an atmosphere containing 0.5 to 2.5 per cent of CO_2, and that they are healthy and longlived. Many investigators have subjected themselves or others to an atmosphere artificially charged with CO_2, and the results have uniformly schown that less than 3 or 4 per cent has no influence on the health of those who breathe it and can not be detected by them through any subjective channels."

This idea is thoroughly supported by the general reports on ventilation at the International Congress on Hygiene, held in Washington in September, 1912. In connection with this work Prof. Cobleigh made the following analysis of air at Bozeman. The outside air near the Agricultural College at Bozeman showed as follows:

August 17, 3.6 parts carbon dioxide per 10,000.
September 20, 4 parts carbon dioxide per 10,000.
October 5, 5.3 parts carbon dioxide per 10,000.

On August 17 he analyzed the air of the experiment station laboratory, a fairly large room where only one man was working, and found it to contain 5.5 parts of carbon dioxide per 10,000. It will be noted that on August 17 the outdoor air contained 3.6 parts per 10,000. On October 5, at 8 a. m., before anyone went to work in the food laboratory, the analysis showed the air to contain 6.3 parts carbon dioxide per 10,000, whereas the outside air on the same date showed 5.3 parts per 10,000. On September 20, with Bunsen burners going and two men working, an analysis of air showed 21.8 parts of carbon dioxide per 10,000. On October 5 after two Bunsen burners had been working for one hour in the laboratory, the analysis showed 15 parts carbon dioxide per 10,000.

From the above quotations, we know that normal air carries from 20.26 per cent to 21 per cent of oxygen. Reference to the analyses of samples of air taken in the mines shows that they uniformly come up to this standard, the only question open being with regard to the per cent of carbon dioxide present in the air. We find that in a laboratory considered a well-ventilated laboratory, that the per cent of carbon dioxide reached 21.8 parts per 10,000, whereas we find in the mine that the oxygen in no instance was reduced below 20 per cent, and in most instances the carbon dioxide was within 25 parts per 10,000, very little higher than found in a large laboratory in one of our State institutions, and a well-conducted laboratory at that.

In one mine, however—namely, the Mountain Con—we find the carbon dioxide unusually high. Here we found the carbon dioxide to reach as high as 61.4 parts per 1,000. In the 1,100 level of the Little Minah we also found the carbon dioxide rather high, namely, 46.9 parts per 10,000, and here also the oxygen was reduced to the lowest point found in any mine, namely, 19.8 per cent.

Another interesting analysis of air is the sample taken from the bottom of a sump, where we found 28.2 parts of carbon dioxide per 10,000 not an extremely high amount of carbon dioxide; and yet, on account of the stillness of

the air in the sump, together with the temperature and humidity of the air, the men complained of the effects of poor ventilation.

In the face of these analyses and confronted by reports of recent studies relative to ventilation, we must recognize the fact that analysis of the air gives us little or no information relative to what we are disposed to call good or bad ventilation, but that the effect on the individual is not due to carbon dioxide nor to the quantity of oxygen present, but is due to the temperature and degree of humidity in the air; that is, a comparatively high temperature and high per cent of humidity has a greater influence on the ability of the individual working in common atmosphere than does an increase of carbon dioxide or decrease of oxygen in the same air.

We must therefore recognize that ventilation is a matter of relation between humidity and temperature rather than between oxygen and carbon dioxide present in the air. In the various levels of the mines the humidity is stated in the reports of air analyses, this being estimated from the difference between the reading of the wet and dry bulb thermometers.

We find that in some of the levels the humidity and temperature are both quite high, but have no suggestion to make as to how the humidity or temperature could be lessened in these levels.

SANITARY CONDITIONS.

In regard to the sanitary conditions found to exist, these varied extremely in various mines and are set forth in the detailed report.

One or two matters of importance we desire to call to your attention.

First, that the bacteriological count in the Original and Gagnon mines is lower with regard to the bacilli of the colon type than we found in the other mines inspected. This we believe to be due to the fact that toilet cars are provided throughout these two mines, but notwithstanding this we found bacilli of the colon type and typhoid bacilli present in the air in two levels of these mines. We would call your attention to the fact that while the instructions are strictly that these toilet cars shall be cleaned daily with live steam, our inspectors found on more than one occasion that this was not done; that the men whose duty it was to so clean these cars neglected to do so.

We also found that the miners make a practice of urinating in the mines at any convenient point, regardless of whether a toilet car is provided or not. This is an important matter, and the miners should be made to understand that after one has recovered from typhoid fever the urine will frequently contain typhoid bacilli for many months, and when an individual thus recovered urinates promiscuously he distributes typhoid fever germs. It is highly probable that the germs found in the air for those two mines came from this source.

We note in bacteriological reports that colon and typhoid fever bacilli are more or less frequently found in the air. From the various reports made it would seem that typhoid fever is comparatively rare in Silver Bow County. For instance, we find that in 1910 there were 7 cases reported from Silver Bow County and 9 cases reported from the city of Butte, but at the same time we note in 1910 there were 2 deaths reported from Silver Bow County and 10 from the city of Butte. Again, in 1911 we note that there were no cases of typhoid fever reported from Silver Bow and there were no deaths reported as being due to typhoid fever, but in Butte there were 9 cases of typhoid fever reported and 8 deaths. This means that in 1910 there was a death rate in Silver Bow County, outside of the city of Butte, from typhoid fever of 42.8 per cent, and that within the city limits more people died of typhoid fever than were cases reported, while in 1911 the death rate from typhoid fever, according to cases reported, would be 88.8.

If we allow a death rate of 10 per cent for typhoid fever (this is a high death rate) there should have been reported in Silver Bow County and the city of Butte together, for 1910, 130 cases instead of 16 cases, and in 1911 there should have been 80 cases reported instead of 9 cases, thus indicating that typhoid fever is by no means a rare disease in the city of Butte. If we were to assume that one-half of the cases that should have been reported occurred among miners, this would mean that in 1910 there were 65, and in 1911, 40 typhoid carriers returned to work in the mines.

The question of how to prevent the men from urinating promiscuously in the mines and how to prevent their answering nature's calls in improper places in mines where toilet cars are not provided, at first appears to be a

difficult problem, but in large institutions where efforts have been made to educate the employees along sanitary lines and where the educational matter has been presented in an interesting manner, it has been found that the men, though frequently of a very unintelligent class, take remarkably kindly to and profit by such teaching. It might be said as opposed to educating the miners along these lines that a good per cent of them only work a comparatively short time in one locality. On the other hand, it is undoubtedly a fact that a good per cent of the miners work for a long time in the same locality. If this were not true, we would not find them owning their own homes in any locality, and if these men who live and expect to continue to live in a locality are taught the importance of proper disposal of human excreta, they will endeavor to see that their working mates, though transient in character, do not commit acts that will endanger the health and lives of the permanent residents of the locality. Educating these people along such lines would be a tedious task to begin with, but when once started, it would undoubtedly give good results in the working capacity of the men employed.

In some of the mines we find that the men use dead crosscuts for answering nature's calls, and in some instances they go into these dead crosscuts, used for this purpose, to eat their luncheons. I believe that any miner who answers nature's call in a dead crosscut should be immediately discharged, and the foreman who discharges him congratulated on his care and precaution.

In most of the mines where horses are used we find a decided increase in the bacteria found in the air. In several instances bacteria peculiar to horses were found, bacteria of a character especially dangerous to man. I refer to the anthrax bacteria and actinomycosis. This would indicate the importance of having horses sent into the mines examined very carefully for anthrax and lump jaw. I wish especially to note that in no instance did our inspectors notice any indication that any horse in the mines was suffering from anthrax or actinomycosis, but frequently these diseases are not noted in their early stages only after a most careful examination.

We found in several instances that the analysis of the drinking water indicated that the vessels were not as thoroughly cleaned as they should be. Note the analysis of the water from the Steward mine, 1,700 and 1,300 levels, and also at the 1500 station in the Little Minah. Comparing the analysis of the drinking water in the open vessels and that in closed vessels, the water in the open vessels shows a decided tendency toward contamination. Again, compare the analysis of the drinking waters from the closed steel tanks and those from closed wooden vessels. These analyses would seem to indicate that either the wooden vessels are not as thoroughly cleaned as are the steel tanks, or that the same cleaning does not suffice for the wooden vessels as does for the steel tanks.

Your attention is respectfully called to the general conditions found in the Mountain Con mine. Of the 10 mines examined, this mine showed the most insanitary conditions in general. Not only were many of the conditions found insanitary, but the ventilation in this mine was not as good as that of any other of the mines, the carbon dioxide in every instance being much higher than that found in samples of air taken from any other of the mines. Your attention is also especially called to the condition of the barn in the 2,100 level of this mine.

CONDITIONS OF THE MINES AS REGARDS MOISTURE.

It has been claimed by some that the moist or wet condition of deep mines would prohibit the spread of communicable disease, such as tuberculosis, in the mines. This we recognize as true to a certain extent, but our inspection does not support the theory as a whole. We found the tubercle bacillus, typhoid bacillus, and other germs in the air of the mines. This is not a theoretical finding, but an actual practical demonstration of the presence of these germs in the air.

We find, however, that these germs are more prevalent in the dry levels than in the wet levels. This statement on the very face of it does not conform with the idea that these mines are all wet. In fact, we found as a matter of fact that the very deep levels are wet, that the intermediate levels are more or less damp or wet, whereas the more superficial levels are perfectly dry. It is absurd, of course, to assume that when a consumptive expectorates promiscuously in one of these dry levels, that the sputum will not become dried and blown about

with the dust in the air of the mines, just the same as it would be on the surface in a dry locality.

As to the moisture in the air, we find a high degree of humidity in practically all of the levels, the humidity of course being higher in wet levels than in dry levels, but being higher in the driest levels than we find on the surface in this locality. This humidity of course can not be prevented, neither can the high temperature in the very low levels be avoided. This is a condition incidental to the mining industry that can not be overcome.

CONDITIONS IN REGARD TO DUST.

In the wet levels we found comparatively little dust, except immediately surrounding the localities where the drills were in operation, and even there the dust was comparatively little (much less than we find on the streets of our cities during windy days), except when the drills were just starting.

In the dry levels, however, we noted considerable dust at all times. This dust necessarily irritates the air passages of those working in dry levels and places such air passages in fit condition to make an ideal culture ground for disease germs, which may enter the air passages in the mines or which may enter them in localities outside the mines, and we are inclined to believe that the conditions under which we found many of the miners living are more conducive to the introduction of disease germs into the system than are the conditions that we found to exist in the mines. So far as the writer knows there is no way by which the dust in the dry levels can be avoided.

The only thing that could be done would be to educate the miners relative to the dangers of spitting promiscuously in the mines, remembering always that a consumptive is not dangerous except when he expectorates where the germs in his sputum may become dried and blown about in the air.

HOUSE-TO-HOUSE INSPECTION.

In this work 438 houses, with 1,418 rooms and 2,949 occupants, were inspected. In the detailed report we mentioned only such places as were found to be in an insanitary condition.

The division of air space per capita in all of the houses inspected is set forth above, showing an average of 335 cubic feet of air space per capita. People living and sleeping in such restricted air space can not expect to maintain health. Even with the best ventilation possible 335 cubic feet of air space is not sufficient by any means, but our inspection shows that ventilation is frequently not provided even with this restricted air space.

The sanitary conditions found in many of these houses (a great many of them are boarding or rooming houses) are anything but satisfactory, to say the least. In some of the houses where the sanitary conditions were found to be fair the conditions surrounding the houses were found decidedly insanitary. For fuller description see the detailed report and photographs attached.[1]

The study of the map showing the location of deaths from tuberculosis indicates that the disease is confined to a very large degree to the old part of Butte, and the fact that these houses have never been disinfected for this disease leads us to believe that they are a fruitful source of infection with tuberculosis, a disease to which the miners are especially susceptible on account of the irritated condition of the air passages, resulting from unavoidable conditions incidental to their vocation.

Your attention is also especially called to the report made by Dr. M. J. McNallan, relative to conditions found in certain streets inspected.

Recently a clipping was forwarded to the writer, calling attention to the reduction in the number of deaths from enteric diseases in Butte during the last year, and claiming that this reduction was due entirely to the improved sanitary conditions in the city of Butte. If conditions as found by our inspectors are "improved conditions" we can not conceive of what they were before they were "improved." We believe that the reduction in enteric diseases in Butte, as well as over the entire State of Montana, is due solely to the improvement in the food supply made under the pure-food law passed by the last legislature.

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[1] Not printed.

CONCLUSIONS.

As a result of this study, I am forced to the conclusion that neither the statement "that practically all of the tuberculosis in Silver Bow County is due to the conditions in the mines" or "that practically all the tuberculosis in Silver Bow County is due to surface conditions," is correct; but that the conditions in the mines together with the conditions on the surface result in the high death rate from tuberculosis, with a decided leaning toward the conditions on the surface having a greater influence on the high death rate from tuberculosis than do the conditions in the mines.

In addition to this many of the conditions in the mines can not be remedied. For instance, the high humidity and high temperatures can not be avoided. They are natural conditions and, so far as is known, there is no way of preventing their existence. On the other hand, such conditions as the improper disposal of excreta, open water vessels, and dirty barns in the mines can readily be remedied, though the improper disposal of excreta will require, not only the supplying of proper places for such disposal, but the education of the employees as to the importance of using such places.

Conditions on the surface are all remediable. There is no excuse for permitting the renting of rooms or houses that are not provided with proper air space and adequate ventilation.

There is no excuse for permitting the existence of the insanitary conditions found to exist in many of the houses, yards, and streets inspected.

We believe with a thorough enforcement of proper sanitary laws and regulations and with a complete control of tuberculosis among the dairy cattle that the death rate from tuberculosis in Silver Bow County can be cut in two within a period of five years.

SUGGESTIONS.

Relative to mines.—It being impracticable to discharge the men at present employed in the mines who are afflicted with tuberculosis, we earnestly urge that efforts be made to educate these men relative to the dangers of expectorating promiscuously in the mines, and that all new employees be carefully and thoroughly examined for any evidence of tuberculosis, and that any applicant who shows any evidence of tuberculosis whatever be not employed.

It being a well-known fact that those who have suffered from typhoid fever frequently carry the germs of this disease in their excreta for many months, and in rare instances even for years, that the excreta of all employees be examined to determine which are typhoid carriers, and that all typhoid carriers be excluded from the mines; and further, when any employee is found to be suffering from any enteric disease that his excreta be carefully examined for typhoid bacilli, and if such bacilli are found that he be not permitted to return to the mines until his excreta is found to be free from typhoid germs, and that this same examination be made of all new applicants for work in the mines.

That toilet cars be provided in all mines and that the men be strictly required to use these cars for answering all of nature's calls, with a penalty of being discharged for failure to comply with this requirement.

That all drinking water be supplied in covered and locked metallic containers.

That all horses taken into the mines be examined by an experienced veterinarian for anthrax and other communicable diseases.

That frequent and thorough inspections be made in order to see that toilet cars, water vessels, barns, etc., are thoroughly cleaned at proper intervals in order to keep them at all times in a clean and sanitary condition.

Relative to surface conditions.—That proper laws be enacted to secure the keeping of the surface conditions in a clean and sanitary condition at all times, and that a heavy penalty be imposed on the officer whose duty it is to see that sanitary conditions are maintained should he fail to perform the duties required of him.

That laws be enacted prohibiting the renting of any room in which the air space shall be less than 650 cubic feet per occupant, and that such room be provided with windows for proper ventilation.

That tuberculosis be made a reportable disease with a heavy penalty against those who fail to report it, and that all rooms or houses, public or private, where any case of tuberculosis is known to have existed be thoroughly disin-

fected before such house or room is rented or sold, or its occupancy permitted by any individual.

Finally, that the officer in charge of enforcing sanitary regulations be required to devote his entire time to this work and to refrain from the practice of medicine in either public or private capacity.

Map showing in a general way the location of deaths from tuberculosis.



KELLEY EXHIBIT NO. 12.

PROCEEDINGS OF THE JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF THE TWELFTH LEGISLATIVE ASSEMBLY APPOINTED TO INVESTIGATE THE SANITARY CONDITIONS AND THE CONDITIONS OF VENTILATION OF THE MINES OF THE STATE, ESPECIALLY OF BUTTE.

Be it remembered that on the 4th day of January, 1911, the following joint committee of the senate and house to investigate the sanitary conditions and the conditions of ventilation of the mines of the State, especially of Butte, was appointed:

From the senate: Senators I. A. Leighton, W. E. Christopher, J. C. McCarthy, C. P. Tooley, and L. E. Leary.

From the house: Representatives P. J. Duffy, J. C. Duffy, Nelson Story, jr., M. L. Hewitt, and O. N. Byrnes.

JANUARY 5, 1911.

The joint committee above mentioned left Helena for Butte at 2.55 p. m., and upon their arrival in Butte notified the management of the mines and also the officers of the miners' union that their mission was to investigate the sanitary and ventilating conditions of the mines, and informed them that they would proceed with the investigation the following morning.

BUTTE, MONT., *January 6, 1911.*

The joint committee was taken to the Leonard Mine at 9.30 a. m., accompanied by John Gillie, general superintendent of the Amalgamated mines; B. H. Dunshee, assistant superintendent of the company; J. C. Adams, superintendent of the Boston & Montana Consolidated Mining Co.; and Thomas Mitchell, foreman of the Leonard mine; Dan Sullivan, president of the Butte Miners' Union; and Joe Guelfi, vice president of the miners' union.

The committee inspected the change room or dry, where they found 600 lockers for the use of the men employed in which to change their clothes, with cement floors, shower baths, and washrooms.

They were then lowered to the 1,200-foot level and shown the doors installed for the purpose of changing the course of air; then lowered to the 1,400-foot level, and went through stope No. 1623 to the 1,800-foot level at crosscut No. 1803; the temperature there registered 73°, and at breast 82°; then through the 1,800-foot level to the West Calusa mine and Comanche air shaft. Went on surface for lunch at 12 m., when committee went through several stopes and drifts of the Mountain View and Pennsylvania mines. The temperature of the water dropping from the back of crosscut No. 1813 of the Pennsylvania was 76°. After coming to surface the committee were taken to the engine room and shown the safety appliances on the engine to prevent the cages or skips from going into the sheave wheels.

BUTTE, MONT., *January 7, 1911.*

The committee visited the Original mine and were lowered to the 2,000-foot level to the pump station; temperature at this point was 73°. Through stope No. 2101, temperature registered 88°. Climbed through stopes and drifts of Gagnon and Original mines to 2,400-foot level of the Original mine, where the temperature in the west drift was 78°. Went on surface for lunch. After lunch the committee went to the plant of the Missouri Power Co., near the High Ore mine, and then to the Speculator mine, of the North Butte Mining Co., where they were lowered to the 1,600-foot level, accompanied by John Pope, manager, and Dan Courtney, foreman, and went through stope No. 1816. On the twentieth floor the temperature was 80°. Then went to No. 1820 raise, where the temperature was 80°; then through stopes to stope No. 1838, 300 feet west of No. 1816, where the temperature was 72°; then to 1,800-foot level and climbed down raise No. 2018, through the stope, where the temperature was 80°, and then to the 200-foot level station, where the temperature was 78°; and from this point to surface, when the committee, after a consultation with the officers of the companies and the miners' union, concluded that they had been shown through the best and the worst places that both parties had to show them, and decided to leave for Helena, to continue the investigation at a later date upon some course that the majority of the committee might determine.

JANUARY 10, 1911.

The committee met in the parlor of the Grandon Hotel, at Helena, Mont., with all members present. Chairman Leighton called the meeting to order, and stated that he had telephoned the president of the Butte Miners' Union and was answered that the union would meet to-night.

A lengthy discussion ensued as to the course to be pursued by the committee in order to enlighten themselves on the subject of sanitation and ventilation of mines.

On motion duly seconded, the chairman was authorized and instructed to request the Butte Miners' Union to appoint one of their members from each of the following mines—

Original, Stewart, Gagnon, Montana, Con, Bell & Diamond, East Gray Rock, Speculator, Badger, Buffalo, High Ore, Never Sweat, Anaconda, St. Lawrence, Colorado, Pennsylvania, Tramway, Silver Bow, West Caluse, Leonard, Pittsmont, Blackrock, Elm Orin—to appear before this committee to give such evidence as they might wish, each of said members to be working in the

mine he represents; also to notify the managements of those properties of the action taken.

On motion duly seconded, the committee adjourned to the call of chairman.

JANUARY 24, 1911.

The committee met at the call of the chairman at the courthouse in Helena, on January 24, 1911, at 7.30 o'clock p. m.

Present: Senators I. A. Leighton (chairman), W. E. Christopher, J. C. McCarthy, C. P. Tooley, and J. E. Leary; also representatives P. J. Duffy, J. C. Duffy, and O. N. Byrnes.

Senator I. A. LEIGHTON (chairman). Now, gentlemen, there is one thing that I wish to state, and that is this, that in the testimony that will be given by the various witnesses here, I wish that it would be confined absolutely to those two conditions that this joint committee is called upon to thoroughly investigate and inquire into, and those are the sanitary conditions of the mines of the State, especially of Butte, and the conditions of ventilation. In our other meetings that we have had and those whom we have met, especially at the meeting of Butte, they seemed to drift off from those two subjects and wandered into other things. As we are now to begin to take testimony pertaining to those two subjects, we can not allow extraneous matter to be brought in, but only evidence pertaining to these two subjects, sanitary conditions and the condition of ventilation; and we propose to subpœna and bring here, before this committee, other miners from Butte, as we may see fit, and also the mine owners, or any man whom we think can bring us any information in regard to this matter, for it is the object of the committee, and it is the desire of the twelfth legislative assembly, that we should go to the bottom of this matter and see if we can not enact some law or in some manner correct these things that seem to be prevailing over there that are wrong. Consequently, I asked those who take the witness stand to remember that we can not allow anything but that pertaining to these two subjects.

Representative P. J. DUFFY. Mr. Chairman, in answer to you, I will say this: From what we saw, your investigation committee, what we saw over there we know exists. If you get 500 men here as well as 3 who have worked over there, 4 or 5 or 20, we know the evil exists, and with a small number, with a small committee, we can come around to the same conclusions, same judgments, far more than if we got 500. Of course, that lies in the chairman's power to do whatever he suggests. I am with you on any question, but on this affair a small committee can sit down and tell conditions which exist, can try and eliminate affairs, and it will be better far, with a small committee. They will sit down with us and help us to eliminate. That is what we are asking for. A big committee will be talking against one another. You will take the men who are working in the Leonard mine, they will tell you the conditions which exist in the Leonard mine, and another one will tell you of the High Ore, where the fire is at present, the way the fire broke out, another will tell you of the Speculator, and another of the Bell, and another of the Diamond, another of the Gagnon, and that, as far as we are concerned we all know that we can not regulate each and every mine in the city of Butte, but at the same time we can come down with men who have worked in the various mines and come to a sound conclusion, correct judgment, to our own way and to the best way. We are representing the State of Montana, not alone Silver Bow County. If you get 500 men here, we will be waiting until the legislature adjourns. What we want is this, what my idea was this, something to alleviate the present affairs, something to get conditions around to what they ought to be. If you get three witnesses to-day, four to-morrow, two the next day, and so on, subpœnaing witnesses—you know, everyone of us knows on this committee what we want to do. What is the use of bringing 500, 100, or 1,000 over here? What we want is action, not hot air, there is enough of it over there, and God knows that is what we are trying to get rid of in the mines. The first place we visited was the best mine in the city of Butte. You saw the conditions there, where fans were working, where conditions——

Representative J. C. DUFFY. Excuse me, Mr. Chairman, we are not discussing the report, whatever report the committee sees fit to tender. As I understand, we are here to accept the testimony of these gentlemen here who are in a position to offer any, and not to render any particular report, as far as the committe is concerned that I know of, and I would like my friend, Mr. Duffy, to confine himself to the question.

Representative P. J. DUFFY. I certainly am confining myself to the question at all times, and as one I want to say this to you, that you have got two experts in the Butte Miners' Union of the executive officers of the Western Federation of Miners, and an ex-State officer. If you bring a hundred over here, one's testimony would not figure over the others. If the names are here to-morrow from the different mining companies, what good is that going to do this committee? We know what they want; we already have come to the conclusion that something ought to be done. There is no use peddling hot air on this question. What we want is something practical. We don't want to wait until the last day of this session, but we want it now.

Senator MCCARTHY. As Mr. Duffy seems to know what we want so thoroughly I would suggest that he be sworn to give his testimony in the formal manner, and his recommendations along with it.

Senator LEIGHTON. That appeals to me as being certainly all right, and I think that would be well, as we are dealing with one of the most important matters that will come up before the twelfth legislative assembly that every member of the twelfth assembly agrees to. Then if that is correct, why I am going to ask that we thoroughly investigate this matter, and I believe that Senator McCarthy's suggestion is certainly good.

Representative P. J. DUFFY. I certainly accord with the gentlemen.

Senator LEIGHTON. And, Mr. Duffy, with permission of the committee, we will put you on the witness stand now.

(Whereupon Representative P. J. Duffy was called and sworn as a witness and testified as follows:)

By Senator I. A. LEIGHTON:

Q. Will you give us your name?—A. P. J. Duffy; Patrick J. Duffy.

Q. And where do you reside?—A. Silver Bow, at 1122 Broadway, Butte, Mont.

Q. And your age.—A. Thirty-three.

Q. And your occupation also?—A. At the present time—well, you can call it surfaceman; I am working for the A. C. M. Hardware; haven't worked in the mines since last May, 27th day of May, when I quit the mines.

Q. You have held some position there in the miners' union?—A. President of the miners' union for three terms.

Q. What years were they you were president of the miners' union; what were the years?—A. From September, 1906, to April, 1908.

Q. What mines have you worked in in Butte, Mr. Duffy?—A. To commence with, the St. Lawrence.

Q. How long did you work in the St. Lawrence mine?—A. About five months—four months—between three and five months. That is going back years ago.

Q. May I ask what was your work there?—A. Miner.

Q. Just a miner?—A. Miner.

Q. What other mines have you worked in?—A. Diamond.

Q. How long did you work there?—A. About—less than a month; I couldn't state the exact date.

Q. Filled the same capacity there as you did in the others.—A. Yes, sir.

Q. Now, Mr. Duffy, will you state to this committee——A. (Interrupting.) I have worked in about 20 others since then.

Q. Yes; but that will be plenty. Will you state to the committee what the conditions from a sanitary standpoint, and from a standpoint of ventilation, the conditions that you found in any of those mines were?—A. I will state this first: The St. Lawrence mine six years ago last September—six, I think it is, possibly, seven; I wouldn't be positive; either six or seven last December—I helped—I was one of the parties to it, to lay the sill for the 1,500 raise, where men were smothering; the temperature was fiercer and hotter than any place your committee visited. Water over ankle deep; you would have to feel with your hands under water to lay a sill, to get it level. After the raise was drove ventilation was in there; it was good; as good a place as a man would want to work in Silver Bow County in the mines. The raise connected with the 1,200 level of the Pennsylvania, one side of where your committee visited the fan. Prior to the fan being installed there, the place was something where you could not work and do justice to the company. After the fan was installed the tonnage with the report of the company over doubled.

By Senator J. C. MCCARTHY:

Q. I would like to ask Mr. Duffy how far in advance of the air were you working, or, rather, how far away from any established air current were they working at the time you speak of?—A. Possibly not—I couldn't accurately

answer you; but to the best of my judgment, Senator McCarthy, about 1,800 feet from the St. Lawrence shaft.

Q. You stated that after the air was driven to the place where you were working the tonnage supplied by the men doubled. Am I right?—A. If not more; if not more.

Q. What would you consider was the reason that the company maintained a condition where their men could only produce half the amount that they produced when conditions were better?—A. It was before the amalgamation of the Anaconda and B. & M. properties.

Q. Was it possible for the company with any reasonable expense to better conditions there at the time they were working?—A. Yes, sir.

Q. In what way?—A. By raises to connect with the level.

Q. How far would they have to raise?—A. The St. Lawrence was worked from two to the sixteen when I worked there six years ago.

Q. That is really not an answer. How far would they have to make this raise?—A. From the two hundred to the sixteen she was working.

Q. That is 1,200 feet?—A. And from the two to the surface answers itself.

Q. How long would it take them to make that raise?—A. That depends on how many or how much of a force—and what condition they attempt to drive a raise on.

Q. The company generally worked three shifts in a place of that kind, did they not?—A. Sometimes, and sometimes no.

Q. Well, assuming that they work three shifts of 8 hours each in the 24, how much progress would they make in 24 hours, approximately?—A. If they worked three shifts, Senator, they would make about—let's see—now, here I have to take the ground into consideration on that; if you strike a bar on ground—you know what I mean, Senator McCarthy?

Q. I am referring to average conditions.—A. Average conditions, over one set in 24 hours.

Q. Give the distance in feet?—A. Over 7 feet every 24 hours.

Q. Then, in order to get this air course, and to better conditions on the 1,200-foot level, they would have to drive 1,200 feet, would they not?—A. No, sir; I didn't say that.

Q. Well, I understood you to say, Mr. Duffy, that they would have to raise from the 1,200-foot to the 200-foot level.—A. No, sir; I said the mine was working from the 200 to the 1,600.

Q. Well, my question was, how far would they have to raise to get better air in the place where you were working?—A. If the 200-foot level was only 200 feet below ground, how far would that be?

Q. It would be just 200 feet.—A. Well, that's it.

Q. Just 200 feet, then, was all they would have?—A. They were working, then, from the 200 feet I told you to the 1,600 foot. From the two to the sixteen, I said, if the stenographer will read it over, I said from the 200 to the 1,600 foot they were working.

Q. You understand, it is not my purpose to ask you any aggravating questions?—A. No, no; oh, gee whiz, no.

Q. We are looking for the light, and if we can obtain it from you we will be glad; and the purpose of my question was this, to know whether or not conditions could be remedied more speedily by the raise you suggest than by connecting with the shaft—what is the name of that other shaft? What I wish to get at is this, whether the company could more speedily get relief by making this raise you suggest than by connecting with the shaft that was afterwards connected, when they increased the tonnage from the mine 100 per cent?—A. That depends now whether the raise is cheaper or whether the drift is cheaper.

Q. But the time; the time I was after. I am not thinking of the cost to the company; the time?—A. Well, they connected it afterwards with the Metcalf shaft.

Q. How long afterwards?—A. About a year.

Q. In your judgment——A. Somewhere in that neighborhood; now, I am not positive.

Senator J. C. McCarthy. That's all.

Senator A. I. Leighton. Any other members of the committee wish to ask any questions of the witness? Mr. Duffy, have you anything further that you can enlighten us on?

A. All I have got to say, Senator, is this, that by putting such as you saw in the B. & M. property, intake and outtake fans on the different levels with air shafts, that it is this, it will make better conditions for miners, longer life,

and more work for men, better tonnage for the production of the mine if they will give better air, such as we saw there in the B. & M. properties, than it will take, such as we saw in the Original and North Butte. I admit this much, though, that under the conditions we saw affairs—never mind the property; I don't want to discriminate against anybody; but where air was good, where ventilation was there, where sanitation was there, there were better results than such as was shown in other properties.

Senator J. C. McCarthy. I would like to say, Mr. Chairman, that, as I understand it, the purpose of this committee is not either to discriminate or to protect.

A. That is it exactly; but I don't want to discriminate against anybody.

Senator J. C. McCarthy. I would like to have the witness state his views, regardless of where it strikes. Is that not your idea?

Senator I. A. Leighton. That is my idea.

A. If that is what you want, gentlemen, I want to say this to you: With all the raises you can drive, with all you can do, the North Butte property can not be ventilated such as other mining properties which we visited.

Senator I. A. Leighton. Do you mean to state, Mr. Duffy, that under no condition can it be?

A. Not the way she is worked.

Q. Can it be improved in that particular?—A. Not the way she is worked.

Q. Have you any suggestions to make wherein they could improve it?—A. Why, that is up to the management of the company.

Senator J. C. McCarthy. Well, the committee would like, Mr. Duffy, to have your views as to what possible manner the North Butte could be worked so as to bring it up to the standard of the Leonard and the adjoining property.

A. I could explain it—but let her go. Here I want to say this to you: First, Senator McCarthy, you, as a mining man, did you ever work a ledge four floors up and four floors down? You, as a mining man, know it looks more like a sheep herder's mine to me than it does like a mining mine. As we went through that mine it was climb down, climb up—how are you going to get your air into a place, ventilation, with such conditions as we found in that mine? It was up and down, up and down. Perhaps with their management the extraction of ore may be cheaper the way they work it, but for ventilation, sanitation, and for the condition of men, you know, as all of us know, that 18 floors below us a man can not climb for sanitation.

Senator J. C. McCarthy. What would you suggest, Mr. Duffy, in the way of change of the present method of working the North Butte property?

A. Not being an authority to dictate to them what way they should work it, and if the management, such as it is, is working it to a success, I couldn't do it.

Q. You couldn't suggest any change in the present method at all?—A. The only suggestion I would make is this: Work it as the B. & M. properties—in sections.

Q. Well, that is a valuable suggestion.—A. Where the stope is so wide and so long, ground heavy, take it in sections. What I mean by sections is not take the full stope, such as was there; take so much of the heavy ground, hard to hold. What I mean by hard to hold is where your hanging is breaking. Take only—work so much of it at a time, and go up with that, fill it in, and then go down and take the other. Better results and better ventilation and sanitation can be obtained. Sanitation, I mean by this, as this committee knows, if you go to far east or to far west, whatever the way the stope runs. Generally the ledge at Butte runs a little—let me see; hanged if I know underground; I know on top. If you go too far one way, you meet the other mine workings, the workers ahead of you; if you go under there for sanitation, you ain't going to climb no 8 or 10 or 12 or 14 or 18 floors. The place where the sanitation will confine himself will be right in under you. If you go too far ahead, you will meet the man ahead of you; he will say, "God damn you, get back where you belong"; go back 6 feet, 10, and under you, you will be told to get over where you belong. There is no place under the present conditions for a man's duty when nature calls its course.

Q. What is the height of a floor, Mr. Duffy?—A. Seven feet two inches is the post in the clear.

Q. Does that include the flooring for the fill?—A. No, sir.

Q. What is the height including the flooring?—A. Seven feet two inches in the clear.

Q. How far apart are the levels of the North Butte mine?—A. From the twelve to the sixteen is 200 feet, say, because they are driving an intermediate level now.

Q. What is the height of the different levels in the Leonard mines, approximately?—A. They are using 12 by 12 timbers and 6 feet 10 inches——

Q. But the height of the different levels?—A. One hundred feet.

Q. One hundred feet; just half of the distance in the North Butte mine?—A. Yes.

Q. Then, your idea is, Mr. Duffy, that better sanitation and better ventilation may be obtained by driving the levels 100 feet apart instead of 200?—A. For sanitary conditions and ventilation 200 feet is just as good as 100 feet after the raise is through; she is poor, but after the raise is through, for ventilation, why, I would agree with the 200 feet, because it is a cheaper way of working a mine, to pay dividends all around, because after you go above the twelfth floor you come down on it. What I mean by coming down on it is this, that after you go above the sixth floor on a hundred feet lift—what I call a lift—you will come down on it; you will get off on the level above where you are working, come down, and go into the stope where you are working—after you get above the twelfth floor of a 200-foot lift you come down on it, or of the twentieth floor; it is easier to climb down than it is up; you will lower stuff down instead of raising it up.

Q. How wide is the vein in the North Butte property?—A. Well, it is from 2 to 10.

Q. Ten what?—A. Two posts for one set, 10 sets.

Q. Give the distance in feet, if you please?—A. In feet?

Representative J. C. DUFFY. Excuse me, but I don't think that is a pertinent question. We have no desire to discuss the commercial feature of the North Butte property, any more than any other, and I think this is not a proper question at this time.

Senator J. C. MCCARTHY. Well, don't answer the question.

Senator CHRISTOPHER. I would like to have you explain some question. I am not a mining man and am not asking from that standpoint, but for general information—what would you suggest, take where men are working there, we will take the worst place shown to us as an average place, how could that be remedied to help those men while they were working there, so that they could receive the benefit from it?

A. There is only one way to remedy it.

Q. That is what I want to know.—A. By raises with fans to give air.

Q. By raises or fans, or by raises and fans, did you say?—A. If the shaft is downcast, put up a raise that is an upcast, to get fans in the most inner depths of that mine, the lowest places with suction pipes there to take the smoke, gases and bad obnoxious gases away. At the present time you haven't got them.

Senator J. C. MCCARTHY. I think Mr. Chairman, that the senator from Sanders County has elicited more information in that one question than in all the questions I asked.

Senator I. A. LEIGHTON. I think so, too, senator, and I hope the balance of the committee will watch carefully the questions and answers given, and any time when you see that they can ask a question that will enlighten us to do so. That is a good question, Senator Christopher. Are there any other questions you think of, any member of the committee, that you would like to ask the witness.

Representative J. C. DUFFY. Is it necessary to raise 1,400 feet to make air connections that was necessary in the St. Lawrence?

A. I say most emphatically no.

Q. That is my interpretation of it, and I believe that is the manner in which the answer was given.—A. When a mine is worked from the 200-foot level to the 1,600-foot level, you don't have to raise 1,400 feet to get a raise to the surface.

Q. It was in order to get clear that I asked the question. I venture to say that there are levels every hundred feet, are there not?—A. Every hundred feet in the St. Lawrence; yes, sir.

Senator J. C. MCCARTHY. Mr. Duffy, has it been the practice in the Butte mines to make the raises at the same time, or as near thereafter as possible, that they made the shafts?

A. No, sir.

Q. Could you name any striking instance of that at the present moment, for instance, a place where they sunk a shaft to a depth of 1,000 feet and commenced operations and afterwards endeavored to make an upraise for the purpose of ventilation?—A. I want to answer you this way: If they sink a shaft 1,000 feet, they drift for an ore body; if they have got to raise 1,000 feet, they will never do it unless there is ore above them; they drift above again to see if there is ore on the upper level, and drift again. Compressed air then is the means and the only means and the only thing the miners have got to live on. Compressed air is composed of no oxygen; there is no oxygen in compressed air; she is made air.

Senator McCARTHY. Oxygen has been compressed in the air originally, Mr. Duffy, and how did you eliminate it?

A. In made air?

Senator McCARTHY. Yes.

A. Very little, because as she circulated she loses what is in her; it is not the same as pure air and air on the surface.

Q. I understand that, Mr. Duffy, but I can not understand how oxygen is eliminated from compressed air and I am asking the question for the purpose of getting right on the matter, if you can give it to me—A. All I know is just the theory which engineers and which scientists tell us; reading is all I know about it; I have never made it.

Q. You understand, Mr. Duffy, that oxygen is a part of the air we are breathing at the present moment?—A. Exactly.

Q. Now, assuming that this chamber is hermetically sealed.——A. Yes.

Q. And that a suction pipe leads into it——A. Yes.

Q. And all the air is withdrawn from this room and compressed, how is it possible to eliminate the oxygen from that air?—A. How is is possible to eliminate the oxygen from that air? Where is your inlet?

Q. I am asking the question for information.—A. But I am asking you right back where is your inlet to it? Where does this air come from?

Q. It came out of this room, of course.

Senator J. C. McCARTHY. I am afraid, Mr. Chairman, the question is too deep for the witness to answer or for me to explain. I am free to confess that I know very little about matters of that kind. That is a question for chemistry to determine.

A. That's it exactly. It answers itself right in that case.

(Witness excused.)

Whereupon DAN HOLLAND was called and sworn as a witness and testified as follows:

Senator I. A. LEIGHTON. Your name, Mr. Holland?—A. Dan Holland.

Q. And where do you live?—A. 137 East Center Street, Butte, Mont.

Q. Your age?—A. Thirty-five, going on thirty-six.

Q. And how long have you resided in Butte?—A. Fourteen years.

Q. Fourteen years. During that time what has been your principal business?—A. Mining.

Q. Mining; in what mine have you worked?—A. I worked in mostly all the mines of the camp.

Q. Nearly all of the large mines of the camp?—A. Most of them, yes. I haven't been employed in the mines for a year and a half.

Q. You haven't been for a year and a half?—A. No, sir; I have been president of the union.

Q. You are somewhat familiar with the conditions from a sanitary standpoint, and ventilation standpoint, are you, of these mines in Butte?—A. Yes, sir.

Q. Mr. Holland, now I wish you would state from your knowledge and observation of the conditions of those mines pertaining to those two subjects, what you know.—A. The sanitary conditions are generally bad; that has been my experience.

Q. Will you describe to the committee what conditions that they are in, that would lead to you to believe or know that the sanitary condition is bad?—A. The ventilation, no means of egress or ingress provided for air. Stoping is done in a great majority of cases without any raises to let the gases and smoke emanate to the surface and to the outer air. I will say, Mr. Chairman, that, acting under your suggestions of yesterday, Mr. Lowney, Mr. Oliver, and I got together and outlined a skeleton of some work that we would suggest to the committee to improve conditions in the mines. If you care to have it submitted I can let you have it.

Senator I. A. LEIGHTON. Does the committee so desire that it be submitted now or after we are through with the testimony?

Senator J. C. MCCARTHY. I would suggest the communication to be read, if there is no objection to it.

Senator W. E. CHRISTOPHER. We asked him to do that.

Senator I. A. LEIGHTON. Yes; you can submit that, if you will.

A. "First. That in underground workings no powder be used until the expiration of a shift, except in places where it does not vitiate the air breathed by employees at said work; and that where such blasting be permitted, means of egress be provided for smoke and gases from usage of powder to the outer air." That is the first clause, if you want to ask me any questions on that.

"Second. That in cases where water is needed for drinking purposes, it be lowered in sufficient quantity in covered receptacles, said receptacles to be thoroughly cleansed at the expiration of each shift."

Water in a great many cases is lowered to the mines in open receptacles and copper water and dirt and one thing and another dropped into it while it is being lowered in the shaft or while it is in the station, and men come along who are dripping sweat, stoop over the water keg and drink and sweat drops out of their heads and faces into the water. That is a cause of a good deal of the disease that prevails amongst the mines—consumption.

The third is, "That sanitary toilets be installed in each level of a mine where men are employed; or means be made available for employees to repair to surface on such occasions." That is where men are employed in that particular level; there are lots of levels where no men are employed, that have been worked out.

The fourth is, "That where extensive stoping is being conducted, raises be run at intervals of so many feet apart for the purpose of ventilation." We haven't come to any conclusion as to the number of feet, but conditions would vary the matter so that we would not name any certain amount of feet.

And that last is, "That in all underground workings of a temperature exceeding 80°, or where no current of air is available, six hours shall constitute a day's work." That is, we merely drew up the skeleton to give the committee an idea of what we need, and you can ask questions on any of these particular clauses.

Senator I. A. LEIGHTON. Are there any questions that any member of the committee would like to ask this witness?

Representative P. J. DUFFY. I would like for him to explain where six hours has prevailed in the city of Butte, and what the results were where the air was bad and drifts were driving in on the lower levels of mines to connect with High Ore mine?

A. In mostly all of the bottom levels of the High Ore mine, for eight or nine years past, long drifts have been run all on six-hour shifts. I have heard of them in other mines, but I haven't got any positive proof; that is hearsay that I discovered as president of the union; but I worked in those places myself.

Representative P. J. DUFFY. Please make it explicit. From what mines you worked to the High Ore drift?

A. In the High Ore mine?

Representative P. J. DUFFY. Driving to another place, you were on the incline then?

A. Driving to the ledge; to the lead?

Senator A. I. LEIGHTON. Mr. Holland, in regard to this sanitary condition; there, when nature calls one—I am just asking you this in a broad way—do those cars, those little toilet cars, if they were put in operation, would they be satisfactory?

A. Of a certainty; yes, sir.

Q. They would be all right, would they, if they were in general use throughout all the mines?—A. Yes, sir; this particular mine, I mentioned, the High Ore, those cars are in use.

Q. And wherever they are in use they are satisfactory to the men?—A. Yes, sir; they have been taken on top at the expiration of each shift and thoroughly flushed with water hose under pressure.

Senator J. C. MCCARTHY. Are those cars in use in any other mine in Butte?

A. Not to my knowledge.

Q. We saw several of those cars in the Original mine; have they ever been used in that mine to your knowledge?—A. No. I couldn't tell you.

Q. That is, we saw them on top; not in the mine.—A. Yes; I haven't been in the mine.

Senator I. A. LEIGHTON. They are in use in the High Ore?

A. Yes, sir.

Q. And as far as your knowledge goes, you don't know that they are in use in other mines in Butte?—A. In any other mine; no, sir.

Q. But the High Ore?—A. Yes, sir.

Senator J. C. MCCARTHY. Are they in use on all the levels of the High Ore mine, or just in some of them?

A. I am not positive of that either.

Q. The assumption is that they are in use where there are any great number of men employed?—A. Yes, sir.

Senator I. A. LEIGHTON. How many toilet cars are there in use in the High Ore mine?

A. The first I saw of them was—I believe it was about two months ago that I saw this car, and it looked a little strange to me, and I did not know what its use was, and I inquired what it was. I only saw the one car, and I inquired, and I was told what its purpose was, what it was intended for, and told, I think it was the shift boss, that those cars were all on the levels.

Q. In all of the levels of the High Ore mine?—A. Or on the levels that they did not have them they were obtaining more and others were in process of being made.

Q. Then, Mr. Holland, wherever those toilet cars are in use you would not complain or would not think that any man would have any complaint on that one condition?—A. Any complaint would be groundless when they are given all the facilities. It was disgusting to any person, excepting somebody with an exceedingly strong stomach, to sit down to a meal on the ninth or tenth floor of a stope and have your nostrils disgusted with the stench of somebody down beneath you answering a call of nature.

Senator I. A. LEIGHTON. It is not very pleasant.

A. It does not make a meal taste better.

Senator MCCARTHY. Are you inclined to believe, Mr. Holland, that in case those cars were in general use that the men would avail themselves of them at all times?

A. Yes, sir.

Q. And, Mr. Holland, where those cars were in use at any time did you notice whether the men had refused to use them, or rather had not used them and had used the levels?—A. I have never seen them, Senator; they have never been used in my time when I was underground. These are a modern innovation at Butte.

Q. In other words, wherever those cars are, you thing they are generally used by the men?—A. I believe so; yes.

Q. In your judgment, Mr. Holland, are conditions better in Butte at the present time than formerly; that is, at the time you were employed in the mine?—A. I believe they are growing worse?

Q. Growing worse?—A. Yes, sir.

Q. You mean as regards ventilation?—A. As regards ventilation.

Q. What did you give as reasons?—A. That is, in some mines; conditions have improved in some mines and conditions have retrograded in others. I don't know whether they both balance or not.

Q. In which mine do you consider conditions are worse than they were when you worked underground?—A. This is hearsay——

Q. Yes.—A. "The Speculator" is one. "Mountain Consolidated" is another. "Never Sweat," I believe, from all I can hear. "The Parrott" is growing steadily worse from what I can hear, and that is about all I can think of.

Q. Could you give us the name of a reliable witness from each of the mines you mentioned?—A. No, sir; I couldn't; men change around so much; and when I was president of the union I could lay my hand on the men and tell where they were working; now I am out of the union for the past three weeks or four, when my term of office expired, and men change around so much that I couldn't locate them; I wouldn't be sure of any.

Q. Did they pump by steam or electricity when you were underground?—A. By steam.

Q. Don't you think, Mr. Holland, that conditions will be remedied when the use of electricity is more generally employed underground in the mines of Butte?—A. I don't know, I am sure; that is something I haven't given any serious thought.

Senator J. E. LEARY. Mr. Chairman, I would like to ask if these mines that you have mentioned are owned by one company or by several companies?

The WITNESS. They are owned by one company.

Q. The last ones you mentioned? A. Those companies are designated sometimes as "The Parrot Mining Co.," "The Mountain Consolidated Mining Co.," or the "Anaconda Mining Co.," but I believe they are the Amalgamated Mining Co.; that is what we understand, I haven't got any inner knowledge of it, but from my understanding they are all the Amalgamated properties.

Senator J. C. MCCARTHY. There is no question in my mind whatever but what all the mines belong to the Anaconda Copper Co.

Representative P. J. DUFFY. Except the North Butte and the Pittsmont, and this Davis-Daly.

The WITNESS. That is a cause of a good deal of the insanitary conditions that prevail, that when a ledge is worked out, the sill floor is worked out before a raise is done, men start to stope, one gang follows another and blasts in the middle of a shift and that powder smoke just naturally dies and hangs around there all the time, that powder smoke and gas; no means of egress for the gas, no raises have been run through yet.

Senator I. A. LEIGHTON. You spoke of water receptacles there, may I ask are there any in use in any of the mines in Butte that would meet with your requirements in any of the mines?

A. Yes; they are in use in nearly all of the mines on some levels where 25 or 30 or 40 men work on a level; then where there are 4, 5, or 6 men working they will lower a keg.

Senator I. A. LEIGHTON. You want them universally used.

A. Yes; they can cover a keg just as well as they can cover an iron tank.

Q. Yes; I understand; but I did not know but what there was some kind of special kegs?—A. No, sir. We don't have any special kind of kegs in view, but something to be covered so as to keep the dirt from dropping into it or water or sweat or anything of that kind.

Q. They do use them in the mines, but not universally?—A. Yes, sir; they do in a great majority of places—they are used in a majority of places—those water tanks, but not in all cases. I often saw a case where a man came to a station for a drink with the sweat just dropping off of him, pouring off of him, and stood over a keg and drank out of it; that sweat dropped out of his body into the keg, somebody else who didn't see that comes along, didn't see that and even if he did, he needed a drink so badly he drinks anyhow.

Senator J. C. MCCARTHY. Mr. Chairman, when this committee was over there, when we were down in some of those mines I think in the Leonard and in the Mountain View—ain't that the name?

The WITNESS. Yes, sir.

Senator J. C. MCCARTHY. We drank—I did at least—we drank out of, if I remember correctly, it seems like an iron tank.

A. Yes; with wheels on it.

Q. And wheels on it and there was a cover on that.—A. They are used in a great majority of cases.

Q. Where do they get that water? Do they bring that water into the mine from the surface?—A. They take those to the surface and fill them at the surface.

Q. That is city water is it?—A. Yes, sir.

Q. Those tanks, that is what you call them?—A. Yes, sir.

Q. Those tanks that they were using in the Leonard and Mountain View, where they were covered, that we drank out of, those are satisfactory?—A. Are satisfactory; yes, sir.

Q. That is, where this copper that drops down the copper water can not get into that?—A. No, sir.

Q. Now, the miner that comes along perspiring can not perspire into it?—A. Where they are into use they are all locked.

Q. But there are some mines, I think you testified to, where they did have those, they did not provide the miners with those?—A. Yes, sir.

Q. What are those, simply open buckets?—A. Just a keg with one end knocked off.

Q. The water they bring in them is city water, is it not?—A. Yes, sir.

Q. But they do not provide them with covers?—A. Do not provide any cover. And we also—what we request about the tanks is that they be thoroughly cleansed. There is a whole lot of carelessness in cleaning those tanks.

Representative J. C. DUFFY. Do you think, Mr. Holland, if upraises were in vogue, say, within every 300 feet, that it would materially improve the conditions so far as circulation is concerned?

A. You mean to raise it?

Q. Yes.—A. To a certainty, yes; where the air is put through any such places as you say the ventilation is good, that is, comparatively good.

Q. Senator I. A. LEIGHTON. Mr. Holland, wherever the fan system is installed in those mines the air is—the ventilation—the air seems to be all right, does it, wherever they are installed?

A. I never worked in any place where a fan was in use, only in one place, and that was about 10 years ago, and we found no beneficial effect from that fan, not even straight ahead for 75 or 80 feet, or an acute angle either way; going 15 to 20 feet on either side of that pipe the conditions were just as bad; that air had no means of circulating; it just turned around and reverted back on itself.

Q. I would like to ask you in reference to the compressed air, what is your opinion in reference to the amount of oxygen that is in this compressed air?—A. I suppose just the same amount as there is where it is pumped from. I don't see where it can lose it.

Q. It is beyond my knowledge, but still I have no knowledge of such things, particularly speaking; it does not lose any of the oxygen?—A. Not that I know of. I am not an expert, but I never heard of it. Oxygen is a component part of air and if the air is pumped through a compressor it will naturally have the oxygen from where the air is pumped; at least I would suppose so.

Senator J. C. MCCARTHY. But your opinion is, Mr. Holland, that the compressed air is not as healthful as the free air from the surface.

A. No, sir.

Q. I agree with you.

(Witnessed excused.)

Whereupon JACOB OLIVER was called and sworn as a witness and testified as follows:

Senator I. A. LEIGHTON. Your name?

A. Jacob Oliver.

Q. Where do you reside?—A. 215 East Quartz, Butte, Mont.

Q. And your age?—A. Forty-six.

Q. How long have you resided in Butte?—A. About 25 years.

Q. What is your occupation?—A. Miner.

Q. How long have you followed that? All this time? The 25 years?—A. About 35 years.

Q. Pretty good miner, then?—A. Apt to be.

Q. Mr. Oliver, you were the gentlemen, Mr. Holland and the other gentleman, when you made up this paper together?—A. Yes; we had to draw the line somewhere, as far as the ventilation part of it was concerned, and we thought that by making it a certain degree of heat the company would use their own judgment or discretion whether they would allow the work there six hours, six hours to constitute a shift, or by some other means to bring fresh air into that stope or place of work. So we would give the company the option either to cool the place off by ventilation, either by openings, or fans, or otherwise give the men a six-hour shift. And I think as far as that is concerned I think it is a good practicable way, for this reason: If a place is so hot that a man can not work hard eight hours, then the company loses, and if a man can not work eight hours it is better for him to work six and go up to the fresh air or go home and have that much more time in the fresh air.

Q. What mines in Butte have you worked in?—A. I have worked in practically all the mines in Butte.

Q. And what is the deepest mine there that you have worked in?—A. Twenty-two hundred feet is the deepest mine I have worked in.

Q. That is what mine?—A. The Mountain View.

Q. Mr. Oliver, I would like to ask you some questions in reference to the toilet cars. Have you worked in the mines over there where these toilet cars have been installed, where they have been in use?—A. There was no toilet cars in any mine in Butte while I worked there.

Q. How long has it been since you worked in the mines?—A. I worked there last week.

Q. And at the 2,200-foot level, is it?—A. I am working on what is called the 900, or 13; we call it 900 for the reason there is connection made with the Leonard, which is 400 feet deeper, you see, and the first level is the 400 level of the Mountain View; and it is connected with the Pennsylvania and the Leonard.

Q. How many mines in Butte are using these toilet cars that you know of?—A. Only one that I know of, the High Ore, and I can not state positively that they are used there; it is just hearsay.

Q. The High Ore?—A. Yes. They can work those hot places by giving the men six hours or by bringing air there, just as they see fit.

Senator J. C. McCarthy. Mr. Oliver, would you consider 80° injurious, assuming that you had plenty of fresh air?

A. Fresh air, no, sir; I don't.

Q. Could you state to the committee the temperature of the ground in, say, the 2,000-foot level of any mine in Butte, the natural temperature?—A. No; I have never took it, and I have never seen it taken, so I couldn't state.

Q. Do you know how much the heat increases as it goes down for 100 feet?—A. Now, I have seen statements made where experiment shafts have been sunk from time to time in different parts, but I can not recall now the increase of the heat; I can not recall at all how much the increase is.

Q. Do you know how much the temperature is in the Calumet and Hecla mines at Michigan at a depth of 5,000 feet?—A. No. But I have been told—whether it is true or not I don't know—that in cutting one of the stations, I think it was in the High Ore mine, that the heat ranged from 100° to 120°.

Q. How deep was that station?—A. I think it was 16; now, I am not positive.

Q. What mine was that?—A. The High Ore. As far as the Calumet is concerned, I don't know anything about it, any more than what we read.

Q. Were they using a steam pump at that place?—A. Sure.

Q. Is your judgment the use of the steam was what made the temperature so high?—A. Well, naturally it increased the temperature, of course.

Q. I think the natural temperature increases at the rate of about 1° to 70 feet; that is, the general raise all over the world; somewhere about that; I wouldn't be certain about the amount.—A. I don't hardly think it would increase that much, because if it did, by the time you got down 5,000 I don't see how a man could live.

Q. You understand, Mr. Oliver, that means are provided for cooling that temperature at that depth, by means of forced draft, air being pumped continuously through it? That is what makes it possible.—A. Senator, you know if you were to work a mine, a ledge, take out a body of ore, you know the first thing is whether it will pay or not, and you might be right, as far as that is concerned, but I don't know whether it would increase that much; I don't think hardly it does, from my own observation. You sink a shaft out in the country, in the granite, in what we term country rock, sink it in the rock alone, not putting in any timbers nor use any steam, and you would go down a long ways before you would find any heat. Timbers, you know, create heat.

Q. Yes; we understand that.—A. And that is what is creating so much heat in Butte.

Q. That is, the decaying timber increases temperature.

Representative P. J. Duffy. You have known rock itself to attain a certain heat, haven't you?

A. You take right here in Butte, around in certain places in the lead right where it is close to hot stopes, the rock itself is warm, of course; when you get close to the fires it is hot, but that is artificial heat; that ain't the natural heat of the earth, you see.

Q. I have known the rock to be so hot in some cases that it was dangerous to load their holes.—A. I have been told that the St. Lawrence, when she was working, the men have had to pour water into the holes before they loaded them to blast.

Q. Is that on account of the condition of the ground?—A. No; that is on account of the fire.

Q. The fire naturally made the ground hot?—A. Yes.

Q. In raises—if you have not worked in them you have been told where the glycerine would drip out of the holes in the raise when there would be a missed hole in the raise—have you ever——A. That has never come under my observation.

Q. You have been told it?—A. I have heard it.

Q. Your humble servant experienced it. You worked in the Mountain Consolidated?—A. I worked in the Mountain Consolidated something like 20 years ago.

Q. Those properties are removed from the fire zone altogether are they not?—A. Oh, yes.

Q. And still you experienced the heat before?—A. Well, the timber you know?

Q. I mean the rock, the ore I mean.—A. No.

Q. How long have you been employed around the mines of the city of Butte and went over there to Marysville to work in the Drum Lummon and with the Empire?—A. Went to Granite, finally to Butte again, and have been there practically ever since.

Q. You were the assistant State mine inspector?—A. I was deputy inspector of mines in 1890, 1891, and 1892.

Q. Do you believe, Mr. Oliver, that with the facilities in the B. & M. mines that better conditions could not be brought about in the other properties?—A. Well, I believe myself that the B. & M. mines are worked more practically or scientifically than any of the other properties in Butte.

Senator I. A. LEIGHTON. The B. & M. you mean, the Boston & Montana?

A. The Boston & Montana.

Q. That belongs to the amalgamated?—A. Certainly it does.

Representative P. J. DUFFY. Comprising the Mountain View, Pennsylvania, and the Leonard, and the East and West Colusas?

A. Yes.

Q. Those properties are worked to better advantage, to your way of thinking, than the other properties are and better results received?—A. There is no doubt about it at all.

Q. In those mines, Mr. Oliver, where these fans are installed, are the men there better satisfied than in the other mines?—A. Well, I presume so, they do not seem to change there so often; the men hold their jobs longer.

Q. What you mean by change, men do not quit their jobs to go elsewhere to get a job, but they work there continuously?—A. As a rule, yes.

Senator J. C. MCCARTHY. How do conditions in Marysville compare with present conditions in Butte?

A. Now, in the Drum Lummon mine they had toilets, as far as the sanitary conditions were concerned they were better; as far as the ventilation is concerned they were not as good.

Q. What kind of toilets did they have?—A. They had a kind of a box fixed on a track and they had a seat formed for the men to sit on and then ran this truck under this seat.

Q. Something in the form of a toilet car?—A. The toilet car you might say was boxed, and there was an old fellow there who had the job of cleaning them; that's all the work he had to do.

Representative P. J. DUFFY. I will ask you, Mr. Oliver, if you had not known in some mines where some men have been discharged when it was known that they deposited underground.

A. That was before men had to eat their lunch underground. Since that time, of course, we know that nature must take its course and men have got to use themselves sometimes during the shift, and of course it is overlooked now, but when the mines were working 10 hours and the men were hoisted on top to eat their lunch, then it was against the rules, of course, for men to crap underground.

Q. And if nature called them, the cages were at their service to go up to the surface?—A. Yes.

Q. Since skips went into vogue, men are not hoisted when rock is being hoisted?—A. Well, only through the chippy shaft.

Q. And there is where timbers and other tools and stuff have to come down?—A. Yes.

Q. Since skips went into vogue—and men have been denied eating on top from that time on nature, if it comes her course, nature's course if it comes, understand what I mean, you do business underground?—A. Sure; there's when a man will have to.

Q. That is the only place for you?—A. Yes.

Q. There is no doubt in the world that something ought to be done to alleviate the conditions that exist in some of the mines. As far as the Mountain View mine is concerned, I believe that they make every reasonable effort to ventilate the mine to the best of their ability and go to great extent. Of course, it is pretty hard to tell a company how they shall conduct a mine; the owners

have something to say to that; and even then the officials have different ideas and ways as to operate; two men haven't the same ideas of doing hardly anything.

Representative O. N. BYRNES. Mr. Oliver, what percentage of the mines do you recognize make a reasonable effort to get them in good shape?

A. Well, the percentage is rather small; I think the percentage is rather small.

Q. You said the percentage would be small. Do you think it is one-fourth or one-third, or what percentage? Give us a rough idea—or 10 per cent, or what?—A. Well, I don't hardly know.

Q. It is your opinion that the management of the Butte Mines are neglecting getting those mines in shape so that they will be more healthy, better ventilated, and so on?—A. I think some of them are a little negligent in that respect.

Q. There are so many of them that—would you know what per cent of the mines are—that some attempt is being made to get them in good shape, and what percentage are not?—A. Do they neglect in the majority of cases?

Q. Do you think the majority are making an effort, or are not?—A. Are not.

Q. Are not making an effort. That is all I want to ask you.

Senator J. C. MCCARTHY. Mr. Oliver, you heard Mr. Duffy testify that where conditions were placed in the best possible shape the output per man would double. What is your opinion of that testimony?

A. Well, I don't know. Of course, it is natural that where conditions are good, ventilation is good, a man can accomplish more, do more work, but, you see, where they used compressed air they can go practically into a poor-air drift almost and bring up pretty near the same amount as they would where there is fairly good air. I have worked myself, contract, in a place in drifts where they have been 500 feet from any current of air; we did just as much work there as we would where there was good air, by the use, you see, of compressed air.

Q. That seems to contradict Mr. Duffy's testimony.—A. Now, in drifts, you see, of course, in stopes it is different; they can't do that. The total output of the mine, of course—the better the mine is ventilated, of course, the better results would be obtained. Now, for instance, the old Parrot Mine one time was considered the best ventilated mine in Butte during Ben Tibby's time. I know the time there when you could go in the main drift and blast any time during the shift, and in a few minutes walk right in and resume work. All the smoke and gas would be gone. You see, they had air courses over the timbers, carried in air courses along with the drift, and the air would come in the drift and go back over the air course.

Q. Is there any reasons why all of the mines in Butte couldn't be ventilated on that system?—A. No, sir.

Q. None whatever?—A. None whatever.

Q. And in view of the fact that by putting that kind of ventilation all through Butte the output of the mines would be doubled——A. Well, I wouldn't say that it would be doubled; that is quite a bit. There is no doubt in the world—it would be increased and they would obtain better results.

Q. What increase do you think it would make in the output per man—that is, speaking broadly, you understand?—A. Well, I would say I believe they could make at least a 25 per cent increase.

Q. Then a mine employing 500 men at an average increase of 25 per cent would make a net saving, at $3.50 per day, of approximately $450?—A. I think so.

Q. What is the reasons, in your judgment, that the management do not put their mines in shape to effect that increase?—A. Well, in the first place, Mr. Tibby was an old miner; he studied ventilation. Under him was a practical miner, first-class man. They developed that property from the surface. Most of the other properties went to work, you might say, blindly; ventilation wasn't considered at all; they just got down after the ore, that was all there was to it, to get returns. The B. & M. mines, they were started on a practical basis under Capt. Couch; he laid out a system, what is termed block system; he has manways and air courses; in every chute or raise he would have a trap door, a slide door, you know, to bring back, to close and keep the air down in the drifts, and the air always was kept in motion, and that system prevailed to a certain extent to-day. That is one of the reasons why the B. & M. property is in better condition than any other property in Butte.

Q. You mentioned the Parrot property as one of the properties now in very bad condition?—A. That was considered the best.

Q. It was considered the best? You do not consider it in good shape at the present time?—A. It ain't fit for a man to work in to-day; in fact, I don't believe there is anybody working there.

Q. Mr. Oliver, not at present?—A. No; it is closed down.

Representative O. N. BYRNES. Do you give the present poor conditions of the mine to the fact that here is no plan, no system of working adopted to their present needs?

A. Now, I believe under this new management they are trying to systematize their work.

Q. But it comes from the fact that there was no plan?—A. In the first, there was no system at all when those properties were developed, practically none.

Q. They just go for the ore and take any chance on the ventilation?—A. Yes.

Q. That is what it was?—A. Yes.

Senator J. C. MCCARTHY. Do you think the extensive litigation over the Butte mines has something to do with the bad conditions existing at the present time?

A. I don't know; I believe the extensive litigation helped conditions; they have done a whole lot of work down there—upraising and drifting, drifts and that like—that made conditions better.

Representative P. J. DUFFY. Mr. Oliver, when you are 500 feet or more in the drift working under compressed air, does it affect you the same as if you had a general current of air?

A. Oh, no; I should say not. I have enough of it; I don't work at it very long.

Q. But you can't do the same work. You can for a while, but eventually what is the result?—A. Well, the result is a man keeps it up, and in a little while miner's consumption, that is what he gets; but you know it can be done, and it is done, that's all.

Q. They can do the work for a short time and then play out?—A. Yes.

Q. That is a plain answer it it?—A. That's right.

Q. What is your opinion as to the average life of a miner in Butte under the present conditions?—A. I don't believe a man will average—I don't think he will average 16 years; of course, I have no statistics to bear me out in that.

Senator I. A. LEIGHTON. That is your opinion?

A. It is just off-handed; I have not given that matter any consideration; that is just off-handed.

Representative O. N. BYRNES. Do you think, Mr. Oliver, in 15 years a man's health would fail?

A. Yes, sir.

Q. The average man, say, 25 years old, 15 years after he would be a broken-down old man?—A. Yes; the majority of men that was working in Butte when I started working there—well, there are very few left. Of course, I haven't worked continuously in the mines. Sometimes I have been out of them a year or two; I have had charge of properties myself and tried to do a little promoting, and other ways, and I haven't been in the mines continuously. If I had, I don't think I would be as good a man as I am to-day.

Representative J. C. DUFFY. I will ask you, Mr. Oliver, if there is any of those people you knew 25 years ago living to-day that are working continuously in the mines since?

A. There are a few.

Q. That are working continuously?—A. Yes.

Representative P. J. DUFFY. If you go into a drift that is over 500 or 1,000 feet, with no outlet, just the one opening, the drift, and you get there, you have got compressed air blowing on you continually to keep that clear, have you not?

A. Sure.

Q. That is the only way you can work?—A. That is the only way.

Q. If you have water, you put water on it to keep the gases and dust down, do you not?—A. As a rule, this work is done under contract, and you ain't throwing water down to do anything, you are getting that dirt out.

Q. There is drift after drift in the B. & M. properties that drove, and you have got a water line with your air line, in your stope?—A. I have never seen any.

Q. They are all around where I have worked—water line with your air line. You disconnect the hose from the air line and connect it with the water line in those transfer joints, so there won't be dust below.—A. In the Mountain View they have large tanks, just as large as they can get through the drifts,

get into the stopes, and they use a hose in some of the dusty stopes to damp down the dust, but I never have seen a water line there.

Q. There is a water line; disconnects the air hose off the air line, put it on your water line and wet down to kill the gases; but all the time you are in, after you get three or four hundred feet, you have that air blowing all the time on your back in order to do the work?—A. Sure, you have got to.

Q. That is the compressed air; in the face of your drift, at the breast like, it is clear. You go back, and you have got to stoop down to keep out of the smoke and gases, do you not?—A. Sure, sometimes.

Senator W. E. CHRISTOPHER. What condition would remedy that in regard to that gas and smoke in there that would be practicable?

A. The only way, you can make an air course by boxes; of course, if you are using timbers you can make an air course over the timbers, which is very easily done; but all this new development work, as a rule, is done without timbers if the ground will stand, and after, of course, they get in so far, strike a lead, for instance, of ore, you know, then of course they start to use timber. You know it would be pretty expensive to drive a drift and bring the fresh air right in that drift all the way. That is all right if you are drifting ore.

(Witness excused.)

Whereupon J. C. LOWNEY was called and sworn as a witness, and testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. J. C. Lowney.

Q. And where do you reside?—A. 405 North Idaho Street, Butte.

Q. How long have you resided there, Mr. Lowney?—A. Resided in Butte about—well I come there about 22 years ago.

Q. And what has been your occupation in that length of time?—A. Miner.

Q. All the time—the 22 years?—A. I will state that I have not worked, to start with, that I have not worked in the mines for pretty near five years, so I would not be along the direction which you have outlined; I would not be able to give practically any testimony to this committee. My occupation at the present time is an organizer—board member of the miners for the district of Montana—and I travel throughout the State in that capacity.

Q. And you have been following that occupation for the past five years?—A. About five years.

Q. Ah, do you think, in your judgment, you couldn't——A. I couldn't give any testimony on the conditions of the mines at this time. Of course, if the committee wishes to ask me any questions about suggestions or things as I generally know them, I might be able to answer them.

Q. But the present conditions, at this present time, you have no personal knowledge of it?—A. No, sir.

Representative J. C. DUFFY. Which was the last mine you worked in?—A. Silver Bow mine.

Q. That is five years ago?—A. About five years ago, or four years last May was the last shift I worked.

Representative J. C. DUFFY. I think the Chair ought to ask Mr. Lowney to offer such suggestions as he sees fit in the matter to remedy conditions.

Senator I. A. LEIGHTON. Do you hold any position with the Western Federation of Miners at the present time?—A. Yes, sir.

Q. What is it?—A. I am executive board member and organizer for the States of Montana and Wyoming.

Q. How long have you held that position?—A. About four and a half years.

Q. Mr. Lowney, have you any suggestions to offer in the matter of remedying present conditions?—A. I would say that in my opinion and from my previous knowledge of the mines, working there, that the condition, the condition of the mines will inevitably become worse as they go deeper and for development, and I believe that this suggestion that was offered by the other members, other witnesses here, to-night, that if we would establish a six-hour day for those places that a certain degree of heat obtained, that the indorsement of this provision would be a self-acting penalty for the employer to make conditions better; that is, there are places in the mines where it is difficult immediately to make good sanitary conditions or good ventilation, and if the employers thought that it was cheaper to rush through the development in order to create this ventilation, they would do so in order to eliminate the six hour proposition, and if they did not deem it better, then the men working would have the

benefit of the shorter workday in order to prolong his health. We who live in Butte know that the conditions, the health conditions of the men there, has been very bad; that probably the greater portion of all those working there are affected with miners' consumption or have died with it; I think a greater portion than have been killed or injured in any other way; and as a condition for that the Butte Miners' Union, as an organization, distributes on an average about $1,200 a week in sick benefits, mostly through the effect of consumption and the conditions obtaining from insanitary and bad ventilation of the mines. And I believe that this proposition of submitting a practical solution in the way of a shorter day for those places would inflict no hardship upon the operators or employers. It would simply be a self-acting penalty whereby they would try to make better conditions or else bear the expense of the shorter workday; and I believe, from a humanitarian standpoint, a shorter workday is an absolute necessity in the worst overheated places in the mines. That is about all I would suggest, in addition to the other sanitary matter in regard to water and toilets. We have often given this considerable consideration as to what we could do. We realize that there will be some opposition to the suggestion, but on the whole I believe this is the most practical, and it is not anything unreasonable, because employees to-day on the surface, throughout the State, in municipal work, where they have good sanitary conditions, they work the eight-hour workday, and we believe it is nothing unreasonable to ask the employers to give the shorter workday in those insanitary places.

Representative P. J. DUFFY. Mr. Lowney, do you think by bringing more members, miners employed in Butte, that that would give any more knowledge of conditions than what we have got from the committee which is here before you?

A. Why, I believe there are men working, if they would wish to come here and testify, if you could suggest men in some of those mines, who could give the committee the same information as to the comparatively intolerable conditions in some of those places?

Q. I don't mean that. Could we learn any more than we have learned to-night?—A. I don't understand that.

Q. Could we learn from those men any more than we have learned here to-night?—A. That is a question I couldn't answer; that is the judgment of the committee, what they wish to learn.

Senator J. C. MCCARTHY. I would like to ask, Mr. Lowney, what is the cause, what is known as the cause, of the disease known as miners' consumption; is it caused by poor ventilation or by the dust or by bad sanitary surroundings?

A. Principally, I believe, from smoke permitted to remain in the stopes and drifts, etc., and stopes not cleared sufficiently, and dust, in addition to that—the dust generated naturally by the operation of the mines.

Senator I. A. LEIGHTON. Mr. Lowney, is it a fact that in a number of post mortem examinations that have been made, that we have found an enormous amount of this dust that you speak of lodged in the lung tissues—bronchial tubes?

A. I believe that it is almost a general condition, Doctor.

Q. As a professional man, I have attended a few of those examinations, and we have in all those cases—I think there have been four for me—in all those cases we have found an enormous amount of deposit in the lung tissues, in the small air cells; in other words, of the lungs?—A. I worked in the Parrot, I believe it was 1902; the 1,400 level was the bottom level at the time, and there was two ledges being worked; there were something like from 9 to 12 machines working there, and one of the levels was worked up to the seventh floor, and the other to the fourth and fifth, and there wasn't at that time any raise through either of the ledges; I did not work there since, but I did work, I might say, in a really bad place since.

Senator J. C. MCCARTHY. What causes you to believe, Mr. Lowney, that the conditions will get worse as the mines are developed more fully?

A. Why, as they go deeper, they naturally meet with the same conditions of development that they would nearer the surface with regard to ventilation, and as they go deeper they will naturally grow hotter, and the greater amount of timber in the mines, as I understood it when I was working in the mines, that it generated heat. Now, so far as the natural depth, the question that you asked a while ago of Mr. Oliver, a generally creating greater heat, so many degrees as you go to depth, that wouldn't altogether obtain in a mine where ventilation was good; but I have seen in the Anaconda mine in 1892 in

the 600 level, where one side was cool and the other around 100°; men used to work naked, with the exception of overall pants—no shirt or anything. I worked there myself and would say the heat was 100°.

Senator J. C. McCarthy. Was there any general reason why one side of the mine was so hot and the other so comfortable?

A. Undoubtedly the lack of proper ventilation, the circulation of air.

Q. So far the committee have had very little information as to the better method of ventilating the mines. Could you at this time or any time to-morrow bring any witnesses before the committee who would be prepared to submit a better method of ventilating the Butte mines? Have you knowledge of such men?—A. No, sir; I have not; I couldn't suggest, because I believe that Mr. Oliver here is about as well acquainted as any other we could suggest for the conditions along that line, and has had lots of experience; and furthermore, I presume if the committee would call witnesses here, they will testify from the other side that they would make reasonable efforts to try, that we have known by actual experience in the past that the immediate officials of the corporations had neglected it to a great extent?

Q. In all cases?—A. Not in all cases; but I will say, in a great many cases in the past when I worked in mines several years ago.

Q. Then, your opinion is that conditions are not very much better now than when you worked in the mines?—A. As far as I can learn, they are not.

Q. As far as you can learn. You have no actual experience?—A. No; not for the last four or five years, I couldn't give no personal testimony in the matter whatever.

Q. Could you give us the name of any man who worked in the mines at the same time you did, and is working there at the present time—that is, I mean some reliable, intelligent miner, who would give us any information along that line?—A. No, sir; for the mine I worked in the last five years, I believe, I worked between four and five years in this mine, and the conditions are comparatively good there—that is, the Silver Bow mine—so it wouldn't be any use to send anybody from that particular mine.

Representative P. J. Duffy. This is a single jack mine which we worked in, understand, it is not one of the big producers of Butte. There is men there—William Faulkner, working in the Silver Bow right now.

Senator J. C. McCarthy. He would be able to give no testimony as to the actual conditions in bad places, that is what I mean. What the committee desires is some person who has general knowledge of the working conditions years ago and at the present time, and what we are trying to get at, if I reflect the views of the committee, is for some one to enable us to arrive at some intelligent understanding of the conditions and the means to remedy them. We know that conditions aren't what they ought to be in all cases, and we are anxious for light, for recommendation, from some practical person, and we would like very much to get the name of that person. Am I right?

Senator I. A. Leighton. Yes, indeed. That is what we are after.

A. I believe that the proposition of getting somebody before you to give you some practical information or suggestions as to perfect ventilation, or as perfect as possible, that is a very difficult proposition. We believe in the continuous process of development that the companies will demonstrate that they are attempting to do this. I am candid in saying that I believe I could express the opinion of a great many that the only practical method of benefiting the men working in those places at this time is to introduce the shorter work day, and then leave it optional with the company to find which method would be cheaper for them—to ventilate to make conditions tolerable, or concede a shorter work day, which is a necessity under the bad conditions.

Senator J. C. McCarthy. You understand that this committee, or this legislature, or no one else has any power to compel a shorter or a longer work day, and all suggestions along that line would be futile. What this committee wants is some information that would enable them to give the State mine inspector authority to adopt certain rules and regulations, and it is utterly foolish to discuss either a shorter or longer day; it won't serve the purpose of the committee at all. That is a matter that must be taken up between the miners' union, of Butte, and the operators of the various properties; it is purely a labor question, not a legislative function.

A. Senator, in reply to that I would say that this would be purely within the province of a health measure. The eight-hour day was passed purely as a health measure; that was a police measure, enforcing health regulations.

Q. I understand that; but in order to put that law in force, we would have to adopt a constitutional amendment. Isn't that your understanding of it?—A. It wouldn't be necessary to adopt, it would be a bill passed by this legislature, would be all sufficient for this purpose as a sanitary measure, as a health measure, for the protection of the health of certain employees in certain underground places.

Q. I am not clear on that point, Mr. Lowney, and I will inquire into it.—A. I will state I am satisfied the senate and the members of the committee are, of course, all aware of the fact that the eight-hour law passed in 1901 was a police-power measure for the protection of certain employees in certain occupations. That stood for two years without any protest from anybody. Then it was made a constitutional proposition. Now, a separate health measure for the protection of employees in certain underground places specifying the conditions would also be a health measure, and I believe would be constitutional, except I believe it would be tested in the courts by the employers. It is purely suggested by these witnesses here, by myself, and the others as a practical method of enforcing sanitary conditions in the mines or penalizing the non-enforcement of those sanitary conditions and ventilation and being a possible means of reducing the temperature in those hot places, which is certainly detrimental to the health of the men working there, and if the company does not deem it practical to make those conditions possible, then they could grant a shorter work day, which would be equivalent to at least a little betterment of the conditions.

Senator I. A. LEIGHTON. Where could we enact a law to draw a line between the short hour and the long hour, or the six hours and the eight hours, as it is now?

A. Simply by establishing what you would consider a reasonable standard of temperature, or places that would not be available for air, for practical ventilation by the circulation of air in those places. We know a lot of those places exist.

Q. Then, even that, wouldn't it be a matter that would come up between the men who are working and the companies themselves?—A. Undoubtedly; they would determine where the law would apply.

Q. Where the law would apply?—A. Yes.

Q. This law, you suggest the short hours, the benefit that the men would derive from it, the fact of forcing the companies to give them better air and improve——A. To compel them to make, to force the air through or make better sanitary conditions, better ventilating conditions in those places so that the six-hour day would be obviated.

Q. In other words, you think the companies do not do that, that is, they do not try to better the conditions in those places?—A. I believe that the officials, the immediate officials of the company who have the practical operation of the work, that they do not consider to any great extent the welfare of the employees, if they can get results; I believe if they can get certain work done in certain places, they will send men there to do it, and if they can get it done without going to any extraordinary expense and method of ventilating or anything, that they will proceed to continue with that work; for one reason they give contracts in drifts, etc., men earn better wages than the daily average wage would be, the men work harder to try to make all they can, and they put men on contracts in some places in order to get men to work at all in those places and make the pay more considerable; nevertheless, the men who work in those places under contract generally lose their health.

Senator J. C. MCCARTHY. As a practical proposition, Mr. Lowney, how could you apply that six-hour day? In other words, would it be necessary to designate somebody who would be the arbitrator in a case of that kind as to whether the temperature was too high and when it was below the standard set for six hours?

A. That would be a proposition that would to a large extent lay with probably the officials of the union and those men working in those places, who may make a complaint and request an investigation of the places; that is, if the employer himself did not cheerfully concede it, or the foreman.

Representative P. J. DUFFY. Mr. Lowney, you, as an officer of the Federation of the State of Montana, could you not as one, see to this affair, if such an affair were not in vogue?

A. I don't think it would be hardly——

Representative P. J. DUFFY. With the mine inspector?

A. It would be hardly necessary or practical at all times. There are local officials of the union at all times that would be sufficient to inquire into that matter if there was complaints made of it.

(Witness excused.)

Senator J. C. McCarthy. I move we now adjourn subject to the call of the chair.

Representative C. N. Byrnes. Second the motion.

(The motion being put by the chair was unanimously carried.)

January 30, 1911.

The committee met at the call of the chairman at the courthouse in Helena, on January 30, 1911, at 7.30 p. m.

Present: Senators I. A. Leighton (chairman), W. E. Christopher, J. C. McCarthy, C. F. Tooley, and J. E. Leary; also Representatives P. J. Duffy, J. C. Duffy, Nelson Story, jr., and O. N. Byrnes.

Senator I. A. Leighton. Now, gentlemen, we will begin by taking testimony in reference to the sanitary conditions and the conditions of ventilation of the mines of the State, and especially those in Butte, and I want to say this, that we want to confine ourselves strictly to those two subjects. The questions and answers must be limited to those two subjects. As there are one or two witnesses that are anxious to get back to Butte, I will accommodate them by calling them first.

Whereupon JOHN VICKERS, a witness called and sworn, testified as follows:

By Senator I. A. Leighton:

Q. Your name?—A. John Vickers.

Q. And where do you reside?—A. Walkerville, Mont.

Q. Your age?—A. Thirty-five.

Q. How long have you resided in Butte?—A. Five years.

Q. What is your occupation?—A. Miner.

Q. How long have you been following that occupation?—A. For the last seven months I have not; no, sir.

Q. How long have you been following that occupation?—A. For 10 years?

Q. About 10 years?—A. Yes, sir.

Q. In what mines in Butte have you worked?—A. Chiefly in the North Butte and for the Red Metal Co.

Q. How deep are those mines?—A. At this time, the North Butte is 2,400, I believe, and the Tramway, why, I think they are between 1,800 and 2,000.

Q. You have worked in the lower levels of these mines, have you?—A. No; 1,800 is the lowest work I did in the Speculator, and 1,400 was the lowest place I worked in the Tramway.

Q. From a sanitary condition, what condition did you find these mines in?—A. In the big stopes pretty bad.

Q. Will you explain to the committee what conditions they were in, the condition you found them in, that makes you think that it is in a bad condition?—A. Why, in most cases the big stopes are hot, and men naturally going underground do their business around the stopes, which is insanitary in my opinion.

Q. Do they continue that right along—those men who work in the lower levels?—A. To the best of my knowledge, it is so on all levels that I worked on.

Q. Is there no provision for toilet places?—A. I have never seen any.

Q. Have they ever installed any of the toilet cars in these levels?—A. Not to my knowledge.

Representative Nelson Story, Jr. How hot do these stopes get, Mr. Vickers?

A. That is something that I couldn't say; I never had the opportunity of carrying a thermometer in my pocket to test them.

Q. Is the heat such that it affects you during one shift, materially?—A. Why, very much; one is naturally weak after working eight hours in a hot place.

Q. What effect does that have on a man when he follows that from day to day?—A. He has to quit and get a cooler place to work in; that has been my experience.

Q. How long did you work at one time in any particular stope, how many days?—A. How many days?

Q. Yes.—A. We usually run it a month, not figured by days.

Q. That is, you worked in one of these hot stopes for a month?—A. Yes, sir; and I have for a couple of months at a stretch.

Q. How many men do they work in one of those hot stopes?—A. That varies according to conditions.

Representative P. J. DUFFY. Please state the condition.

A. If there is a big ledge of ore, there is quite a number of them; if it is a small lead, there is not so many men.

Senator C. P. TOOLEY. Would you state there is no disposition on the part of the owner to remedy the sanitary conditions there; that is, providing suitable toilets?

A. I never seen any.

Representative NELSON STOREY, Jr. Did you ever encounter bad odors in those stopes, or bad air, Mr. Vickers; that is, so bad that it made you sick, or anything of that sort?

A. No; I can not say that I did get sick with it.

Q. It was on account of the heat more than it was the foulness of the air, was it?—A. Well, the heat and the sanitary conditions combined naturally affects a man; that is naturally weakening.

Q. Well, in your estimation, can the conditions be improved without any excessive outlay of capital or labor?—A. Well, I tell you that is a question I don't think I am able to answer. I am not well enough acquainted with that matter to know what the expense of anything like that would be.

Q. Regardless of the expense, could it be done?—A. That is something I could not answer either.

Representative P. J. DUFFY. You couldn't answer it?

A. No; I can't, practically speaking. I never studied ventilation, but it is my own opinion that it could be altered.

Q. Have you worked in cool places?—A. Yes, sir.

Q. What made that place cool?—A. Circulation of air.

Q. What caused the circulation of air?—A. I didn't see any forces at all that caused that.

Q. Was there plenty of raises?—A. There was.

Q. And drifts opened?—A. Yes, sir.

Q. Does that cause circulations?—A. In some places.

Q. Take a hot box, such as we term it, with connections to upper levels where there are cool places, would that cause a hot box to get cool and other facilities?—A. I don't know; I seen hot boxes with raises in with a very small inlet of air that did not get cool.

Q. But, there was a small inlet of air you say?—A. Yes, sir.

Q. By a small inlet, what do you mean, Mr. Vickers?—A. I mean a place where a person is trying to keep within the vein in a stope.

Q. And, in that case, there was not sufficient place to keep the air cool?—A. I don't think there was enough air to keep this place cool.

Representative NELSON STOREY, Jr. Have any of these properties in which you have worked or formerly worked changed hands lately, Mr. Vickers?

A. Yes; just about the time I quit the mine, the Red Metal Co. changed hands.

Q. Of your own knowledge, then, you don't know whether the conditions since then have improved or not?—A. I could not say; I have not been underground since the change; they changed a few days before I quit.

Senator C. P. TOOLEY. Seven months ago?

A. Seven months ago, since I quit the mine.

Representative J. C. DUFFY. You say the Red Metal Co. changed hands?

A. Yes, sir. The last check I drew I drew from the Anaconda Co., the only check I drew there.

Q. Isn't it under the same management at the present time?—A. I guess so; that was the only check and last check I drew.

Q. Isn't the same foreman there?—A. The same foreman.

Q. Have you got any theory or any knowledge in regard to how these conditions could be bettered, Mr. Vickers, that could enlighten this committee?—A. There is one thing I would suggest; that is that toilet cars be put on every level and enforce the men to use them.

Senator I. A. LEIGHTON. Repeat that answer, please.

A. Toilet cars put on every level and force men to use them, and enforcements made that they be used, and have sanitary conditions in the stopes.

Q. I would like, Mr. Vickers, for you to explain the conditions in those stopes where you have been, in plain language, so that we will all understand. There are no ladies present; speak plainly, so we will understand.—A. It comes very natural that a man going down underground, he has got to do his business some place.

Q. How many men would do that in any one stope that you were working in there; how many men were in one stope there?—A. That would depend on the number of men working there.

Q. How many?—A. In places you will find 20; other places you will find 50; in places you will find only 3 or 4.

Q. Was there a large amount of foul matter in this stope?—A. Yes; there was sometimes, and sometimes there was not.

Q. Was there any great amount of stench or odor from that?—A. In places; yes, sir.

Q. Would men be allowed to go to the surface if they wanted to?—A. Not to my knowledge.

Q. Did you ever at any time, or any man that you know of working in the mine, complain to the company or to the superintendent of the conditions that you say existed there?—A. No, sir.

Q. Is that custom practiced in nearly all of the mines in Butte?—A. Practically in every place I worked.

Q. Will you kindly name the mines that you have worked in?—A. I named them before—North Butte and Speculator.

Q. Only the two?—A. Yes, sir.

Q. The North Butte and Speculator, did you say?—A. At least I should have said the Speculator and the Red Metal Co.

Q. These mines are owned by what company?—A. The North Butte Co. and, I believe, the Anaconda Mining Co. own the Red Metal at the present time.

Q. Did the men find a great deal of fault with the sanitary conditions while you were working there?—A. At times; yes, sir.

Q. Do you, or did they seem to think that there was any sickness that had arisen from that condition?—A. I should judge that such condition would naturally have a tendency to cause sicknesses.

Representative NELSON STORY, Jr. Would there be any difficulty in getting these men to use these toilet cars if they were handled?

A. That is something I could not say.

Q. Well, judging from the class of men that usually work in the mines, do you think it would need much urging on the part of the management to get them to use the cars?—A. That is something I could not really answer, because human nature is rather fickle.

Senator C. P. TOOLEY. In conjunction with that question, I will ask you whether the men that are employed would attend the car if they were installed?

A. That is rather a difficult question to answer; anyone knows how men are, anyway.

Q. They generally have their preference as to the particular class of work they will pursue?—A. I don't understand your question, Senator.

Q. I mean, if these cars were installed the men would not care particularly to attend to them, to do that work, would they?—A. That is something I could not answer; I know for myself that I would use them.

Q. I mean to attend to them, to empty them, to cart them away from the mine?

Representative NELSON STORY, Jr. They would have to hire a separate man to do that; they could not expect a miner to attend to that work.

Representative P. J. DUFFY. Did you kick over men coming close to the vicinity that you were working in, and letting the duties of nature take its course?

A. Yes, sir; lots of times.

Q. If, with such convenience in a mine, as stated in previous questions, and the same could be removed, do you not think that men would not use the same?—A. That is the same question as before.

Q. I know it, but I am coming right back at you.—A. You know human nature as well as I do.

Q. Would not the majority of men if you kicked or said a word to them—would they not go to a toilet car in preference to eating their own stench in a stope?—A. I know I would.

Q. Where air is poor; no toilet car in vogue where you had to eat your supper or your lunch, did the—to use a common name as we call them in the mines—shit flies—did they ever bother you?—A. Yes, sir; and cockroaches, too.

Q. Do you think in your judgment with toilet cars in vogue on a level, that this could be eliminated?—A. Well, the men would have no excuse.

Q. That is not plain to me. With toilet cars on a level and the same to be used, would these shit flies be in the stope?—A. I don't see how they could be up there.

Representative NELSON STORY, Jr. In your judgment, it would have a tendency to do away with such as that?

A. I would think so; if there was nothing in there I don't see where they would breed from.

Q. Has there been any typhoid-fever cases in any of the mines that you ever worked in?—A. No; but there have been epidemics of typhoid fever and smallpox around town; you don't get them in the mines; you don't stay there long enough.

Q. Do you think the conditions in the mines ever gave rise to typhoid fever; that is, the conditions in a mine?—A. That is something I can not say; a medical man could tell you better than I.

Q. What particular disease affects the miners over there more than any other?—A. Miners' consumption is the worst disease.

Q. Do men advanced in stages of consumption work in a mine?—A. They work until they can not work any longer; when they lose their strength they have got to quit.

Q. There is no enforcement of any rule by the miners' union itself, or by the management itself that would keep a man with consumption from going into the mines to work, is there?—A. None that I am aware of.

Q. Is there ever any complaint by men not afflicted with consumption to get against those that are to work?—A. No; furthermore you will hardly get a man to acknowledge when he has got consumption that he has got it.

Q. Would you work with a partner that had consumption?—A. Necessity would perhaps compel me to do so.

Senator C. P. TOOLEY. Could a person that has a general case of consumption keep up his end?

A. Why, naturally not.

Representative NELSON STORY, Jr. Do miners as a rule, Mr. Vickers, regard consumption in a mine—miners' consumption—as a particularly infectious or contagious disease?

A. Why, that is something I never made a study of. I think from what I have heard about it that physicians will tell you it is infectious.

Q. Is the prevalence of consumption in the Butte mines ever regarded seriously by the men as a whole?—A. I think the men as a whole are accustomed to the subject and keep working.

Q. The miners themselves to your knowledge have never taken any steps that would tend to decrease this disease, have they?—A. Two years ago the miners' union sent a bill over here on these same lines and tried to get it through, I believe.

Senator C. P. TOOLEY. What was the subject of the bill?

A. Well, the details of the bill I don't know, because I never read it.

Senator J. C. MCCARTHY. Were you connected with the miners' union at that time?

A. Just a member; that is all.

Q. Not in an official capacity?—A. No, sir.

Q. Who drew that bill, do you know?—A. That is more than I can state.

Q. Do you know of any one of the witnesses here that has any knowledge of that particular bill?—A. I don't know.

Q. You have no knowledge of the scope of that measure at all, have you?—A. No, sir.

Q: Could you name any one who had?—A. I think——

Representative J. C. DUFFY. I think Peter Breen was the man that drafted the bill; that is my opinion: I am not positively sure about it, but I think so. Perhaps Mr. Lowney can tell us something about that. Mr. Lowney, do you know who drafted that bill?

Mr. LOWNEY. I haven't any personal knowledge about it, but I understood it was Peter Breen.

Senator J. C. MCCARTHY. The bill was printed, did you say?

Representative J. C. DUFFY. So I understood.

Senator J. C. MCCARTHY. Have you any knowledge as to whether or not the bill was printed?

A. In the house?

Representative J. C. DUFFY. Yes; I can answer that question.

Senator J. C. MCCARTHY. Then, we can get a copy of it from the Historical Library to-morrow.

Representative P. J. DUFFY. I have a copy of it that I got from the secretary of state by writing over here last October for it.

Senator J. C. McCarthy. Mr. Vickers, assuming that you were the owner or manager of the Speculator mine, what change or changes would you make in order to make mining conditions better underground—what changes would you suggest from the present method?

A. Do you mean in the general workings?

Q. General working.—A. That is rather a lengthy subject to go into for a man that never studied mining any more than breaking rock.

Q. You haven't any suggestions at all to offer, have you?—A. I have already stated what I would do from a sanitary standpoint, but in regard to the ventilation of a mine I am not able to answer.

Q. I will ask you what would you do in order to better the ventilating appliances in use at the present time?—A. To tell you the truth, I am practically at sea to know anything about ventilation.

Representative Nelson Story, Jr. Would you be in favor of a bill preventing a miner with consumption in its incipient stage going underground?

A. I am afraid you will have to call one-third of the miners out of the mines in Butte at the present time.

Representative O. N. Byrnes. What proportion of miners do you think have miners' consumption?

A. One-third; that is, of those who have worked there any length at all. It is pretty hard to convey any definite idea at all for the reason that the miners in Butte are a moving population to a great extent; any of them that have worked any length of time are more or less afflicted with it.

Senator C. P. Tooley. How long does it take to manifest itself?

A. That is something I couldn't answer either.

Q. It is according to how a person takes care of himself, I suppose?—A. Yes, sir.

Representative P. J. Duffy. Will you kindly give us a rough estimate, is it injuries or miners' consumption that draws the biggest benefits from the miners' union for sick benefits?

A. Why, injuries, I think, are just about a stand-off with diseases.

Q. The diseases are comprised mostly of what?—A. Why, the greatest disease that human nature is afflicted with.

Q. Namely?—A. Miners' consumption; there is also typhoid fever, scarlet fever, measles, all kinds of diseases lately.

Representative J. C. Duffy. But the greatest benefits as paid by that union, is it paid for typhoid fever, scarlet fever, or measles, or what is it paid for?

A. Typhoid fever and those cases are a small percentage?.

Q. Then, what is the big percentage paid for?—A. The big percentage of benefit is for tuberculosis.

Representative O. N. Byrnes. Doctor, is there not a record of deaths and its causes in Silver Bow County?

Senator I. A. Leighton. There should be. We can get that from the health officer. There is a law, I believe, that a record of the deaths and causes, as well as the births, shall be made.

Representative O. N. Byrnes. That ought to be on file for last year?

Senator I. A. Leighton. That law is in the hands, you understand, of the State board of health. That is, they are the ones that enforced that. The health officer in each county in the State has to report to the secretary of the State board of health every month the deaths, causes, and all diseases.

Senator C. P. Tooley. That is accessible, I suppose, Mr. Chairman. Those records are accessible to the committee, are they not?

Senator I. A. Leighton. Oh, yes; we can get them right in the capitol building from Dr. Tuttle.

Representative Nelson Story, Jr. Do you think that anything that the management—any measure that the management of these mines could take in the way of improving sanitation and ventilation, would be as effective in offsetting the ravages of tuberculosis, as keeping men afflicted with this disease out of the mines?

Answer. Well, there is another question that I could not answer. I understand from medical men that is disease will spread, so that is rather a conflicting kind of a question.

Senator W. E. Christopher. Is the mining management over there making any effort to improve the conditions as to what they were a year or so ago?

A. I can not tell what they have done in the last seven months, as I have not been underground.

Q. In the way of putting in and installing fans, machinery, etc.?—A. They had not been in operation when I came out, and I don't know what they are doing now.

(Witness excused.)

Whereupon DAN. D. SULLIVAN was called and sworn as a witness, testified as follows:

By Senator I. A. LEIGHTON:

Q. Give your name.—A. Dan. D. Sullivan.

Q. And where do you reside?—A. Butte, Mont.

Q. Your age?—A. Thirty-five.

Q. How long have you resided in Butte?—A. Fifteen years.

Q. And what is your occupation?—A. Miner.

Q. How long have you been a miner there?—A. In Butte?

Q. Yes.—A. Fifteen years in Butte.

Q. What mines have you worked in there?—A. I worked in the Speculator, Lexington, Anaconda, St. Lawrence, Bell, Minnie Healy, I guess that is about all.

Q. What position do you now occupy as to the miners' union?—A. President.

Q. Mr. Sullivan, I wish you would state to the committee the conditions of these various mines, as to sanitary conditions and ventilation?—A. Well, I have not worked in any of the Amalgamated mines for a year now; I could not state how the conditions are in those mines at the present time, but I worked in the Speculator for a year, and quit there two months ago. I worked on the 2,200 level of the Speculator, of the Jessie lead, for about eight months, and conditions there were pretty bad.

Q. Will you describe what those conditions were?—A. Well, they were real warm there, and it was a downcast raise coming in there; there was one raise through, it was a downcast and all the manways are open there, and air comes right down the raise, right down the first manway; it would not travel through the stope, and the men working in the stope would not get the benefit of that air; and they blast there at noon; blasts going off irregularly; the smoke hung around in the west part of the stope where the air did not circulate, where the most of the men worked, the smoke hung there for a couple of hours, generally died out; they would turn on the compressed air and blow it out.

Representative P. J. DUFFY. Now, it is an absolute necessity, or is it just a mining management affair, that they blast at noon. Could not they drift all shifts and blast when they are going off, and leave rock enough for the next shift?

A. Certainly they could; they could drill all day and have rock on both shifts.

Q. Do you blast twice?—A. You would have to blast when the shift boss told you to.

Q. But it could be worked by drilling one whole shift, and then the blast going off, and leave rock enough for both shifts.—A. Yes, sir.

Q. And the smoke would be nearly all gone when the next shift came on?—A. Yes, sir.

Q. If you blast at noon, as I call it, when you eat your meal, would it not be smoky and gassy around when you go back to that stope?—A. Yes; certainly would for hours afterwards.

Q. Almost impossible to see in some places, I suppose?—A. If you are in the air course the air will take some of it out. Of course, if you turn on the air compressor that would move it away, cause a suction.

Q. After you would blast at dinner time—day shift as I call it—or at supper time—night shift as I call it—shovelers and miners, it would be impossible for them to go back to work when time was up, after their lunch was eaten?—A. It would be impossible for them to go right back to work.

Q. Yes.—A. No, sir; they couldn't, they would have to stand back.

Q. Then you are losing time by blasting at dinner time or supper time, are you not?—A. Yes, sir.

Representative NELSON STORY, Jr. Is that customary?

A. Yes; it is customary all over. I don't know whether it is the shift boss's fault or whose fault it is; if they are short of rock, they will come around and tell you to blast.

Senator C. P. TOOLEY. You are not losing this time on your own account are you?

A. Oh, no; the company is losing it.

Representative P. J. DUFFY. Men do suffer from the obnoxious gases and smoke so as to cover over the shovelers, so that the ore can be transferred, do they not?

A. Yes.

Q. Is that correct?—A. Yes; that is correct.

Representative NELSON STORY, Jr. Is there any lasting effect due to this cause, or does it just temporarily make a man sick?

A. It makes him good and sick. Sometimes for a week I have had a headache. If you happen to work on night shift, it affects a man more than on the day shift; it affected me more on night shift, and that is the way it is with some people, and I would have a headache the next day when I would wake up, from the effect of those gases and smoke.

Q. Do you consider that that state of affairs was one incidental to the successful operation of a mine, or could it be obviated?—A. I should think so; yes, sir. I think they could operate a mine successfully otherwise, without blasting at noon, that is my opinion.

Representative P. J. DUFFY. Noon, or supper, as it may be termed, do you mean?

A. Yes, sir; noon hour we call it, when we go to eat.

Senator J. C. MCCARTHY. What object does a company gain to compel a man to go in at a time when they are unable to do their best work?

A. I don't know whether a company wants a man to do that; the shift boss might want to make a reputation for himself, get up more rock than the other fellow, that may be the object.

Q. You can not see any gain to the company from that mode of procedure?—A. No, sir; I think it is a loss to the company.

Q. Don't you think that the company should learn those things, and change their system, if there was not some benefits to gain by that method of procedure?—A. It seems as though they ought to.

Q. How would you carry air—you spoke of a little while ago—from the downcast up through the stope?—A. This raise is coming down on the stope, that we were working there, right down through, the air was coming down there.

Q. How would you distribute that air to where the men were working?—A. I might be able to get it through that stope; I couldn't offer you any remedy of ventilation, but I would cover over the manways—I would put in a double door there, make the entire manway open and let the air go in that way, come down on the inside where the men were working. Cover all the manways and keep rock in the chute.

Representative P. J. DUFFY. Wouldn't you cover this manway on the floor you were working?

A. Probably the floor underneath would not be filled up. I would cover right close to the bottom.

Q. You would cover over on the floor that was filled in, where the shovelers were working?—A. I don't know; I would rather cover over on the floor—right on the sill, cover over tight, keep rock in the chute and keep air right where the men were working, right down along the breast. Of course it is impossible to keep the chute full where the carmen are down below hammering on the door for rock.

Representative NELSON STORY, Jr. From your judgment and acquaintance with the mines in Butte, do you think it would be a very hard job to distribute the air fairly well through all those stopes, either by the natural flow of the air down the shaft, or the manways, or by forcing the air in there with fans and tools?

A. It would be a hard job for me to do that because I don't understand it. If you had a man there that understood ventilation I don't think it would be a hard job.

Q. Don't you think they have got men there that understand ventilation?—A. I don't know; it don't seem so.

Q. Now, speaking of the conditions caused by the excretion of the miners, spoken of by Mr. Vickers, you are acquainted with that, Mr. Sullivan, the foul smell, are you not?—A. Yes, sir.

Q. Do you think the miners would use those sanitary cars if they were put in there handy?—A. You put a penalty on them, and they will use them; if you

catch any of them people doing it around the stope, drop the flag on him, and the next man will go down.

Q. Would they have to be forced to use those?—A. If a fellow is way up seven or eight floors and in a warm stope, and he has got to climb down to the level, if he thinks the boss is not around he might sneak around in a corner and drop it in the corner.

Q. Don't you think the men themselves would enforce that rule pretty thoroughly?—A. I think some of them would probably; it may be like some of the men in the South; for instance, Habana. They had a very insanitary condition there, and there was a law that was passed over there. Since then they have a pretty sanitary city, so I am told.

Q. I take it that the civilized conditions existing among the miners in Butte is a little better than what they had down there?—A. I don't know anything about that; but I know the Cubans are free; that they got their freedom.

Senator C. P. TOOLEY. Have you noticed any improvements in recent years in sanitary conditions?

A. Just that day I was down with your committee; that is the time I could tell about those mines, where the improvements had been made in the Amalgamated mines.

Q. Were they better than they were before?—A. I never seen those fans in operation in the mines before, except at the North Butte; they had a small fan there on the 2,200 level, about 20 inches in diameter.

Q. But from your last observation, conditions are really improving a little bit, are they not?—A. I was never in the Leonard mine before; I don't know what they were before. I couldn't say.

Representative C. J. DUFFY. Don't you know that the B. & M. own the mine?

A. I don't know who owns the mine, but it is generally called an Amalgamated mine.

Senator C. P. TOOLEY. It is immaterial who owns the mine, is it not, Mr. Chairman?

Representative P. J. DUFFY. I am not going into that. The Mountain View, Leonard, East and West Colusa, Pennsylvania have always been known as B. & M. mines, have they not?

A. Yes, sir.

Q. It is all the mines that you know of that they own?—A. It is all the mines I have been through. That is the first time I ever was through those mines; I couldn't tell you what the conditions were before that.

Senator I. A. LEIGHTON. How did you find the conditions as far as the ventilation and sanitation of those mines were concerned that we went through?

A. They were real good through the Leonard, where we went through the Pennsylvania, and over the Mountain View through that level, and down through that stope conditions were good. There was a little dust in the Pennsylvania; you could notice a little dust in there, otherwise it was cool and in great shape.

Q. Then, would you suggest any improvement, any change in any of those mines that we went through;—that is, the Leonard and the Mountain View and the West Colusa?—A. Well, I couldn't suggest any improvements along there; that place was in pretty good shape where we went through. The only fault I could find anywhere there, that there was a little dust going through there; but every place we went through were good, except that little place in the Pennsylvania where that water was dripping. It was pretty warm in there, and down in the 1,800 of the Leonard it was real warm in there.

Senator J. C. MCCARTHY. How warm was it; do you know?

A. I don't know; I really couldn't tell you.

Representative P. J. DUFFY. The warm place in the Pennsylvania was the new drift, was it not?

A. Yes, sir.

Q. Just drifting as a prospect for ore?—A. I don't know what the object was of driving that drift.

Q. Well, naturally, a drift is driven as a prospect, is it not?—A. Yes, sir.

Q. Through the stopes of the Pennsylvania you found conditions good?—A. Certainly; they were fine down in the stopes.

Q. You saw water running there with an air line, did you not?—A. In the Pennsylvania. I didn't notice any water line.

Q. There was water on one side of the air line?—A. I didn't see that. I didn't go up in the stope; I went down through.

Q. I thought that you were with us through that stope.—A. No, sir; I didn't go up there.

Representative NELSON STORY, Jr. Mr. Sullivan, do you think that there is any necessity of any more mining laws to be put on the statute books of the State of Montana, or would you empower the mining inspector to see that the laws on the books were enforced?

A. Well, I would give him a little more power if I had the doing of it. I would give the mining inspector the power whereby those mines could be cooled off or call off the shift. I understand that can be done. Fellows tell me that have worked in coal mines that it could be done.

Q. And you would empower the mining inspector to that extent, that he could order it done; otherwise to call off the shift until it was done?—A. Yes; I think that mining law ought to have a penalty attached to it. If the mining inspector says you are violating the law there should be a penalty attached so that they will not violate it. This ought to be changed. The mining inspector told me that he has given orders, but that he couldn't accomplish anything; there is not any penalty attached.

Representative P. J. DUFFY. Do you think the same conditions prevail in the Original, Gagnon, North Butte such as prevail in the Pennsylvania?

A. Do I think they could?

Q. Yes.—A. I should think so. I don't see why they couldn't. I might be mistaken, but it looks as though if they could drive the air through the stopes and drifts in one mine they could do the same in the other.

Q. You saw the fan in operation in the Pennsylvania?—A. I didn't see the fan in operation, but I seen just where it was; I heard it work and felt the air there.

Q. You saw the air, how it was conducted, and the way the air was split?—A. I don't know anything about the air splitting.

Q. You saw the air was conducted by these doors?—A. Yes, sir.

Q. Could not the same conditions prevail in other mines as it does there, or, in your judgment, do you think it would be impossible to conduct it the same in other mines?—A. I don't think it would be; no, sir. If it is feasible and possible there in the Leonard, why I don't see why they couldn't do the same in other mines.

Representative NELSON STORY, Jr. Speaking of consumption, did you ever give it any personal attention?

A. No, sir; I never gave it any personal attention more than seeing some of my fellow workmen failing every day; they had my sympathy, they had my sympathy; I suppose, if I kept on, I would be getting somebody else's sympathy.

Q. You are a little bit afraid of it, then?—A. Yes, sir; I certainly am.

Senator J. C. MCCARTHY. Do you know if miner's consumption prevails in Michigan, Mr. Sullivan?

A. I spent several years there; I never heard of it. I never heard of a miner's consumption in Michigan. There are men working in the mines there that have been working there for 40 years and they are pretty lively old chaps yet; they are trotting around with their buckets.

Q. How do you compare conditions of the Calumet and Hecla and the large mines in Butte?—A. I never worked at the Calumet and Hecla.

Q. Well, any of the Michigan mines?—A. I worked on the 3,200 level of the Franklin; conditions were good there.

Q. How do they keep those mines cool?—A. It seemed to me that they did not pay any attention to ventilation; they worked the whole thing and didn't fill in, and the air circulated through there; it seemed naturally; I never seen a door put up anyway there through any mine I worked in.

Q. Are there any fans there?—A. No fans in any that I worked in, none down below or none on top.

Q. How wide is the vain?—A. It varies from 4 feet to 30 feet; they leave a pillar of ground, and don't fill in at all, maybe 100 and 200 feet apart, and stope everything else out.

Representative O. N. BYRNES. They have not any decaying timber there, have they?

A. Not in the mine I worked in; the timber was in the shaft; there was not much timber throughout the mine except in the shaft, in the mine I worked in. In the Calumet and Hecla they have more timber; they timber with square sets there, something on the order that we have in Butte, only that we have longer caps, longer plates, and longer posts; I have never seen them, but I understood they were practically the same as what we had here.

Representative NELSON STORY, Jr. Does the nature of the ore make any difference in the heat of the mine?

A. I don't know much about the nature of the ore; I don't think that would have much to do with it, but I believe the country rock has something to do with it; I believe the granite and porphyry is impregnated with lime, and naturally there is heat where there is lime, that is, in our Butte mines.

Senator J. C. MCCARTHY. You couldn't get lime mixed in with the granite at that depth, could you?

A. Yes, sir.

Q. I mean Michigan.—A. Oh, there is no granite walls in Michigan; they call it trap rock and sandstone; in the Calumet and Hecla it is trap rock on one wall and sandstone on the other.

Q. Have you worked in any of the Arizona mines?—A. No; I never was in Arizona.

Q. Your experience has been confined entirely to Michigan and Montana?—A. Exactly.

Representative NELSON STORY, Jr. Do you know of any epidemic occurring in Butte from conditions in those mines; that is, typhoid fever, for instance?

A. Not an epidemic; no, sir. I had typhoid fever myself while I was there.

Q. Do you think you caught it from the mines?—A. I couldn't tell you; I caught it while I was working in the mines some 10 years ago, I guess.

Senator J. C. MCCARTHY. Did they use the city water in the mines at that time?

A. They brought water up from Anaconda at that time on flat cars.

Q. The Butte city water was not in use at that time underground?—A. I don't think it was; they stopped them from sprinkling the streets there with that water.

Representative NELSON STORY, Jr. Mr. Sullivan, would you be in favor of a law prohibiting men in any advanced stage of consumption going down into a mine to work?

A. Would I be in favor of such a law?

Q. Yes.—A. Prohibiting that?

Q. Yes.—A. I don't know; it would be kind of depriving a man of his bread and butter, if he is able to work.

Q. I realize that, but for the protection of the men that have not caught it, you say, yourself, you wouldn't like to go down and work with a man that had consumption.—A. No; you didn't ask me that question.

Q. I will ask you that question. You wouldn't like to work with a partner that had consumption, would you?—A. I have worked with them.

Q. You didn't like it?—A. I don't like it. Circumstances alter cases; it all depends on the size of your pile.

Q. The reason I asked that question is because there is more or less agitation in the State of Montana for the establishment of a tuberculosis hospital to take care of those men, and if it were possible to take care of them the best that could be done; don't you think that it would be one of the best things for the miners if there was some regulation prohibiting a man having consumption going underground in a mine?—A. Yes; if you had a hospital for consumptives; I think the place to put them would be in the hospital, not down in the mines.

Q. Don't you think that the fact that they are allowed to mine with other men is largely due to the spread of consumption of the miners over there?—A. Well, I couldn't answer—I couldn't answer that question; it takes a man like the doctor there; he might give you a little information.

Q. I think you know just about as much about it as he does; I have got my idea about it, but I have not got it to work yet.—A. If your State would appropriate enough to keep these people, I would be in favor of putting them in the hospital as soon as you found out one had consumption—put him in the hospital and keep him away from the rest. If we had no hospital, or no place to keep them, you have got to let them work to make a living.

Representative P. J. DUFFY. If he is a married man, who will take care of the family?

A. I couldn't tell you what to do with that fellow's family; I would not be in favor of shutting off their bread and butter. If this disease is contagious, as they claim, or infectious—I don't know that it is or not; I understand it is, I understand it is——

Representative NELSON STORY, Jr. I don't think there is any doubt about that. My opinion is that while conditions in the mines may be advantageous to the ravages of the disease, that the thing we have got to do, in the first place, is

to keep the men from going down there; you have got to make provisions to take care of them.

Senator I. A. LEIGHTON. Mr. Sullivan, how many miners are there at work in Butte; that is, approximately?

A. I couldn't exactly tell how many there are now; there are not as many now as there were eight months ago.

Q. Just in your judgment, in your opinion, how many are there?—A. Well, I suppose there are probably 3,000; I am not sure.

Q. What percentage of the 3,000 are afflicted with what is known as miner's consumption?—A. I couldn't tell you that.

Q. In your opinion?—A. Well, that is not a fair question to ask a man; I could not begin to make a guess, or anything like that; I am not a judge of a man that has consumption, in the first place.

Q. Mr. Vickers thought that was about one-third.—A. I can not tell when a man has the first symptoms of consumption, and can not even tell until he is right down with an advanced stage of consumption, and then anybody can tell; but when a man is first afflicted I couldn't begin to tell.

Representative J. C. DUFFY. How much benefits did they pay out of the union as the result of diseases and accidents, we will say, annually?

A. The last quarter we paid $17,000 in sick benefits, over $17,000—I don't remember what the funeral benefits were—and I think the last 15 months something over $114,000 sick benefits alone.

Senator I. A. LEIGHTON. One hundred and fourteen thousand dollars?

Mr. VICKERS. I can answer that question, if I am allowed to do so.

Q. You may do so.

Mr. VICKERS. The last 15 months we paid out for sick benefits $94,425; we had 199 funerals we paid for.

Senator I. A. LEIGHTON. How many months?

A. Fifteen months.

Representative J. C. DUFFY. That is largely due to the disease?

A. I can not tell you how much was paid out for those diseases, because I have not been there so long. There is a 25-cent assessment every second month, and there is a 35-cent assessment on this month for those men that are in advanced stages of consumption.

Q. Do you classify the amount paid for those different diseases?—A. If we dug into the treasury for all those fellows that had miner's consumption, we wouldn't have any treasury at all; they would pick up another scheme and assess the members 25 cents more every second month—we wouldn't have any treasury left at all.

Senator I. A. LEIGHTON. What physician or physicians would you suggest for us to subpœna before the committee that would be the best informed in reference to the cause of this miner's consumption that develops in those mines in Butte?

A. Well, it seems to me the hospital physicians over there would be the proper people; still I don't know, but I should think they would be the proper people to have come before you.

Representative NELSON STORY, Jr. Do you ever sweep the dust away with a broom? When we went down through a manway it was so damn dusty——

A. No; I never seen a broom used around the stopes; they used them around the stations, and probably in the mule station, but I never seen them in the stopes—well, I don't know much about it, anyway.

(Witness excused.)

Whereupon JOSEPH GUELFI, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Where do you reside?—A. 26 North Main Street, Butte, Mont.

Q. How long have you resided in Butte?—A. Twenty-two years.

Q. What is your occupation?—A. Miner.

Q. Have you followed that occupation for the whole 20 years?—A. I should say not; no, sir.

Q. What other work have you been engaged in in Butte?—A. Previous to that time I used to go to school.

Q. I didn't understand your first answer, or you didn't understand my first question. I asked you if you had been working there for those 22 years?—A. I have been residing in Butte the last 22 years.

Q. How long have you been working in the mines?—A. Fourteen years; I worked in the Buffalo, Silver Bow, Pennsylvania, Leonard, East Colusa, Speculator, the Corra; I guess that's all.

Q. Do you hold some position in the miners' union?—A. Yes, sir; vice president.

Q. At the present time?—A. Yes, sir.

Q. You sent over here a list of several witnesses to be examined before this committee. We understood that as an expression or desire on the part of the Butte Miners' Union that those witnesses should be examined and no others; were we correct?—A. As far as the union is concerned; not me.

Q. You do not object—the Butte Miners' Union do not object to our getting any information from any other source, do they?—A. I don't know what they want or what they will object to.

Mr. D. D. SULLIVAN. May I answer that question, Mr. Chairman?

Senator I. A. LEIGHTON. You may.

Mr. D. D. SULLIVAN. I will answer that question. We have no objection at all to your getting all the information you can from all the Butte miners you can get hold of. The reason we sent that list over here was in fear that some people would come here saying they represented the miners' union whereas they did not.

Representative P. J. DUFFY. All the witnesses here have got proper credentials authorized by the miners' union, have they?

A. Yes, sir; they have got credentials authorized by the union.

Mr. GUELFI. I would say that at your suggestion, or the suggestion of this committee, we brought this matter before the union, that you people were to subpœna whatever committee that this organization wanted to send over here.

Senator J. C. MCCARTHY. I think that this committee has asked for the name of one miner from each of the various mines in Butte, and, as we understood later, that request was refused, and the committee names, instead of one man from each of the various mines, just a certain number of the members of the union?

A. If you will allow me to refresh your memory, Senator, it was you that told us, after that suggestion was made, that a smaller committee, in fact, would be more effective.

Q. Immediately after that talk, which I do not have a very clear recollection of, although I won't contradict it, it was formally requested from the Butte Miners' Union to supply a person from each of the mines and the miner's given name?—A. Yes; that request was made.

Q. You did not comply with that request—the union did not comply with that request?—A. We told the union about it, and they did not comply with it; no, sir.

Q. Have you any witness here capable of giving us any information as to the best method of ventilating the Butte mines?—A. Well, I believe we got witnesses here—they are practical coal miners, and they know something about ventilating mines.

Q. They are here at the present time?—A. Yes, sir.

Q. What suggestion have you to offer as to the best means of ventilating any of the mines you spoke of?—A. Probably there might be different systems adopted—by driving raises, enlarging air shafts, fans, trap doors, and other things—ventilation changes could be effected.

Representative NELSON STORY, Jr. There is no doubt in your mind but what this could be done?

A. Not probably in all cases.

Q. Well, pretty near all cases.—A. Well, yes, sir.

Q. A sufficient number could change conditions over there?—A. Quite a number of cases.

Senator J. C. MCCARTHY. Do you consider the mines at the present time as being in better shape than they were several years ago when you went underground the first time?—A. Oh, no, not in some; in some there is, but not in others.

Q. Could you give us the name of a mine that is not in as good condition at the present time as it was 10 years ago; that is, depth considered?—A. I am going to tell you about the mine that I worked in 10 years ago and those that I worked in later. I left the Pennsylvania mine, she was good; I went to the Rarus, and I tell you I got into a good hot hole, what I call hell, and oven; as soon as you would get on clothes that you had to work in, why the clothes were wet with sweat; I would take off my shirt and wring it out

there—and before I could do anything at all—and by the time I got through straightening out the clothes ready to operate with the machine I was ready to take another shower bath, as I call it—take off my shirt and wring it again.

Q. How long ago was that?—A. That was six years ago.

Q. Do you know anything of the conditions at the Pennsylvania mine at the present time?—A. The only time I was in the Pennsylvania mine since then was when you folks were over there.

Q. You found conditions improved, did you not?—A. As far as one place; yes. There was one bad place that I saw there and that was where they were working in that cross out; that advancement they were making in that cross out.

Q. You understand that it is impossible to drive those advances and keep the temperature as cool as they will in the part of the mine where the men are working; you understand that, don't you?—A. Sure.

Q. And that condition can not be avoided by any system you could devise?—A. No, sir; they could be bettered in some cases, all right, even at that.

Q. You have not any general plan, then, for bettering conditions in Butte, have you?—A. I don't know; they might have for all I know.

Q. I mean you yourself, personally, you have no general plan of bettering conditions in Butte?—A. There is a stope in the Pennsylvania that could be improved; the air was going down in the manway, and there was nothing there, not a particle of air there; that air could have been confined and held on the floor; that is, it would circulate on that floor.

Q. Did you ever discuss the conditions of the underground working at Butte in the Butte miners' meeting?—A. Well, sometimes in a general way.

Q. I think it would be a good thing if you would.—A. Probably it would.

Q. I recommend you to do it.—A. We might take your suggestion, then.

Representative P. J. DUFFY. Six years you worked in the Pennsylvania, you said?

A. No; the last I worked in the B. & M. was at the Leonard; I believe it was six years ago, though I am not quite sure; I had left the Pennsylvania.

Q. What level did you work on last in the Pennsylvania?—A. The last level I worked on was the Harris and Lloyd tunnel.

Q. You never worked on the lower levels, then, six years ago?—A. Yes; I worked on the 1,200 for a while.

Q. What stope on the 1,200 did you work in?—A. I forget the number, 1,200 and something.

Q. The Red Metal?—A. No, not the Red Metal.

Q. Or Big Woods?—A. I suppose they call it Big Woods for all I know.

Q. What was the condition in there?—A. The Big Woods?

Q. Yes.—A. Oh, Moses; pretty hot.

Q. In going through the Pennsylvania last time with this committee on the 1,300, did you recollect where you were at then; did you know the country you were in?—A. No, sir.

Q. You didn't work there in what is commonly known as the Big Woods, in the 1,200 of the Pennsylvania, after the fan was installed, did you?—A. No, sir.

Representative NELSON STORY, Jr. There is no doubt in your mind but that the use of the sanitary mining cars would tend to that part of it all right enough—you know those cars that are in use?

A. I seen one car at the Rarus for two years, I believe, on top; never seen one in the mines.

Q. There were some new cars that we saw over there, up to the Original, setting outside—some new cars?—A. I understand that they have been working them lately.

Q. Well, there is no doubt but what the installation and use of those would tend largely to do away with the odors arising from the offal of the men?—A. I will say, if their use is steady, it certainly would have a great tendency to do away with that smell from the offal of any man.

Representative O. N. BYRNES. You say you worked in the mines 14 years?

A. Yes, sir.

Q. You worked most of the time in the mines in Butte?—A. Not altogether in Butte; I worked in Corbin.

Q. But you are acquainted with conditions in Butte for that length of time?—A. With the exception of the last six or seven months.

Q. What do you say about the conditions now as compared with six or eight years ago, have the conditions improved in Butte?—A. In some of the mines they have, and some mines they have not.

Q. That really does not mean anything to us. What we want to know is whether there is any effort made by the companies in Butte to better those conditions.—A. The company may have made an effort in some of the mines, for all I know, because I have not been in them for some time.

Q. But as a member of the union wouldn't you know from discussions with other miners as to what is the general conversation among the miners in Butte?—A. I don't go on hearsay very much; you hear all kinds of tales.

Q. We have to go on hearsay testimony here; that is the reason we can not get any direct answer. What we would like to know about is whether or not there has been an effort made by the company to improve the condition in Butte, and we can not find out in any way except what you people tell us.—A. If you specify any particular mine that I have any knowledge of I can answer you, yes or no.

Q. Yes; but we are called to investigate all the mines in Butte.—A. If I were sent out to investigate the mines in Butte, I would investigate them; then you would know from your personal knowledge whether or not they are in bad or good shape.

Q. You were there with the committee the other day?—A. Yes, sir.

Q. You were there five or six years ago?—A. Yes, sir.

Q. Have they improved any?—A. No, sir.

Q. What place was that?—A. That was the sixteen hundred on the Speculator.

Q. Is that the same as it was there six years ago? Are the conditions just as bad now as it was six or seven years ago?—A. It is only three years ago.

Q. It has not improved any in three years?—A. No, sir.

Q. How about the other mines?—A. The other mines, I couldn't say; I worked in the Buffalo after that; the Buffalo is all right.

Q. Is there anybody that could give us that information?—A. I should think it would be an impossibility for anyone to so say, for you would have to work in all the mines. Well, I am not able to give you that information only in this particular instance. I know that that particular condition has not been changed from the last time I was there to the last time I saw it.

Q. That is, within a period of three years?—A. Yes, sir.

Q. Can you suggest any way that this committee can get that information? We were there through those mines lately; we don't know what was there three or four years ago.—A. I don't know.

Q. If we had to find out from our own knowledge, we would have to stay there the rest of the year.—A. I don't know any way.

Q. Senator C. P. Tooley. Is there a disposition on the part of the mine owners to improve the conditions there, do you think?

A. I believe there is to a certain extent. At least in one particular mine that I know of—that is, in the Buffalo—I know they are trying to carry the air through there all the time.

Q. As a matter of fact it is to their interest to do that, and they would get better results, would they not?—A. I should think they would.

Q. They are good business people that own those properties there; they are conceded to be, are they not?—A. I don't know; I never had any business dealings with them.

Q. If they could get the same returns, or better, why, they would certainly improve the conditions, would they not?—A. Well, I should think that it would be to their interest to keep the air as cool as possible, because they would get more labor for the energy.

Senator J. C. McCarthy. Have you read the law governing the operation of the precious metals mine of the State of Montana?

A. No, sir; I have not.

Q. You have never read that law—A. No, sir.

Q. You never read the mine-inspection law?—A. I read the inspector's report, but not the law.

Q. The law is embodied in the report?—A. Yes, sir.

Q. You never read the law?—A. No, sir.

Q. But you have no suggestions at all as to what further power should be given the mine inspector?—A. Yes; I believe the mine inspector should have more power; according to his own statement, or in an interview that I had, or talk that I had with him, he said he couldn't enforce any law whatever, because he has got no law to enforce.

Representative Nelson Story, Jr. No law to enforce, or no authority to enforce the law?

A. No authority to enforce the law; in fact, he told me he had no law to enforce, if I am not mistaken.

Representative J. C. McCarthy. Has the Butte Miners' Union taken up the matter of that law—and granting more power to the mine inspector?

A. I suppose the individual members may have; I don't know as the union itself has taken it up as a matter. I believe they did two years ago; I believe there is an agitation on toward electing a State mine inspector and giving him more power.

Q. That is, as to the election of a mine inspector?—A. Yes; to give him more power.

Q. Have you anything to suggest at this time on that matter?—A. I believe we could go to work and extend the law of the State, whatever is required in the matter, having some form of commission appointed, or something; see what laws are required for the safest ventilation and sanitation of the miners.

Q. But the Butte Miners' Union has no commission, or no one designated especially to look into that matter?—A. No, sir; not that I know of.

Q. You would know it if it had?—A. Probably not.

Q. You are vice president of the union, are you not?—A. I am not supposed to know everything.

Q. No one expects you to, but you ought to know something about the body of which you are vice president.—A. I do; in certain things in the organization lines; I am the walking delegate; I generally go around the mines and take a look at the cards, and see how they stand; that is my business.

Q. The principal work of the Butte Miners' Union seems to me to be that every man that works in Butte is a member of the miners' union?—A. That is one thing.

Q. That is one of their functions?—A. Yes, sir.

Q. Have they any other functions?—A. They may have.

Q. Do you understand anything as to the manner in which coal-mine operatives handle their business, I mean their coal miners?—A. I don't know about the operators, because I never owned a coal mine.

Q. I mean with men working in a coal mine?—A. I have talked with quite a few of them; yes, sir. I read their report here, and read their laws in the State of Montana, and I believe they have good laws. I would like to see that such laws existed in the metalliferous mines.

Senator J. C. McCarthy. I would like to recommend here and now to the Butte Miners' Union that they employ a coal miner of ordinary intelligence, and that they open up a kindergarten in behalf of the Butte Miners' Union.

A. Allow me to thank you on behalf of the union.

Representative P. J. Duffy. To correct one of your statements here, if there was any commission authorized by the Butte Miners' Union, you certainly would know it, would you not?

A. I say that I would not necessarily know it.

Mr. D. D. Sullivan. Mr. Chairman, would you allow me to answer that question?

Senator I. A. Leighton. Yes, sir.

Mr. D. D. Sullivan. There is not such a body there.

Representative P. J. Duffy. During your employment in the Buffalo mine, which is a cool mine, were not the shovelers able to turn out more rock, and I wish you would tell us to the best of your ability about how much more rock they would handle than they would in a hot box, in the Speculator, where you worked?

A. A man—that is, it depends on the floor he has got, and the rock, you understand that has a whole lot to do with it. A man can work in the Buffalo, I should judge, anyhow, 50 per cent more comfortably; that is very conservative, too.

Q. Can do 50 per cent more work in the Buffalo than he will in the hot box in the Speculator?—A. Yes, sir.

Q. And with good air, such ventilation as the Buffalo has got, they will do—one man will do almost twice as much work as a man will do in a hot box, in some of the other hot boxes in the city of Butte?—A. I know because when I was in the Speculator you couldn't do very much.

Representative P. J. Duffy. Why I asked this question is this: I made that statement when I was on the stand here, with good ventilation and good air, that the output would be to the best of my judgment about 50 per cent more.

Representative Nelson Story, Jr. You never worked in the Original?

A. No, sir; never worked in the Original at all.

Representative P. J. DUFFY. If you are working in a drift, with compressed air blowing on you to keep the gases and dust out, could you do as much as you could in a well-ventilated drift—in a well-ventilated stope or drift?

A. Why, I don't suppose I could; no, sir.

Representative NELSON STORY, Jr. Do you know anything about the quality of compressed air?

A. The quality?

Q. Yes.—A. Well, I don't know what the quality of compressed air is. Of course, I suppose, it is forced air, whatever that is. I know if you take it and apply it on you, blow it on you this way [illustrating], while you are sweating, it chills you so quick, you know, you get out of it in a jiffy.

Q. It is worse than if you didn't have it, is it?—A. That is the way it acted on me; I don't know how it acted on anybody else. I know what compressed air is all right. We had an experience of that in the Rarus; when we came in the Mountain View, where that hole goes through, they had that hole closed up and we had to use that compressed air; there is where you could find the difference between the natural air and the compressed air.

Q. I have heard the statement made before this commission that the compressed air was vitiated; that the oxygen was more or less gone?—A. I couldn't tell you the quantity of compressed air. I suppose there is a certain amount of oxygen because it has got to be taken from the surface; there might be a certain percentage of it.

Representative P. J. DUFFY. Is compressed air wet or dry?

A. Well, both; wet at times and dry at times; there is water in its make up.

Q. Do they not use oil to compress the air?—A. Yes, sir; you have to have oil for the machinery.

Q. Does not this oil and other ingredients which they use, don't that get into the air?—A. I don't know how the compressor generates the air; I don't know the mechanics of that part of it; I know that it makes air, that is all; how she makes it, I don't know.

Q. You know that the oil goes into the air?—A. No; I don't know, because I never seen it.

Q. You have seen times when compressed air—you would turn it on, you would open your valve where she would be, it would be very moist—haven't you seen that?—A. I seen it that way; yes, sir.

Senator W. E. CHRISTOPHER. How long did you say you worked in the Buffalo?

A. I quit there last July—pretty near two years and eight months, I believe, previous to that.

Q. And all the time you worked there conditions improved?—A. They were good all the time.

Q. What did the management of that mine; what operation did they put in there to stop the conditions of the mine, such as they were?—A. Wherever they had a current of air coming—that is, from either the Pauline or Stella shafts—they would go to work and course that air by doors to the one manway, or the balance of the manway would be trapped—trapdoor put on them air-tight, the air would be down one end of the stope and go out through the other end of the stope. There was only one outlet to that air; it would come down to the east end and flow out on the west; go through continuous passage there; go down to the next level; it would go in those stopes in the same way; they would make it a rule to go to the air course as quick as they could to tap it in either one of the shafts; they had ventilating shafts for that purpose.

Representative NELSON STORY, Jr. You have never seen any appliances whereby air could be put in, like in the dead end of that stope of the Pennsylvania that we were in?

A. Lots of air could be put in there if a fellow had any practical knowledge of those things. How to keep that air in there, you can figure that up on a piece of paper; you have got to work and do it right. I seen air conveyed in all dead ends in the East Colusa and Pennsylvania by just a little space above the cap in the main drift, just about 18 inches high, and the flooring and the sheeting above the cap was fixed, you know, so that it would be air-tight, so that it could not leave, so that it would go out through the top and out the bottom, or either, vice versa.

Representative P. J. DUFFY. Speaking of the Buffalo, how many shafts connect with its workings?

A. Well, there is the Stella, connects with it on one level, and, I believe, the Pauline on all levels. The Buffalo, you see, that is the operating shaft, one

level. The Pauline is further to the west—that is, pretty near connected on all levels—and the Stella is connected with one level alone with the Buffalo.

Q. All drifts are drove from the Buffalo shaft?—A. Yes, sir.

Q. So almost exclusively to make air connections?—A. The first thing.

Q. Take it on the 700 or 800, I am not positive which, you have got a third shaft?—A. Yes, sir.

Q. Is it a small lead?—A. Yes, sir; that is a winze. That is an intermediate winze; that don't go to the surface.

Q. That is one of the exceptions of the mines in Butte, is it not?—A. I should say it is. The East Colusa is good; the Buffalo is good, too.

(Witness excused.)

Whereupon JOHN DRISCOLL, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. John Driscoll.

Q. Where do you reside?—A. Butte, Mont.

Q. How long have you resided there?—A. Ten years.

Q. Your age?—A. Thirty.

Q. What is your occupation?—A. Mining.

Q. Do you hold any position in the miners' union?—A. No, sir.

Representative STORY NELSON, Jr. Are you mining at the present time, Mr. Driscoll?

A. I am not mining; I am timbering at present.

Q. You are in the mine?—A. Yes, sir.

Q. What mine are you in?—A. Gagnon.

Q. What part of it?—A. The 2,200, 2,300—both levels.

Q. How long have you been there?—A. Four months.

Q. In that length of time have you noticed any effort on the part of the management to improve the conditions of that particular mine?—A. There has been some; I will answer yes.

Q. What are the conditions; what are the general conditions from your standpoint as a miner?—A. Bad, in most place.

Q. In what particular feature?—A. Heat, vermin, and filth.

Q. Is the air foul or just stagnant?—A. I suppose foul and stagnant in places.

Q. Is that mine wet or dry?—A. It is dry where I am working; it is dry in places and wet in places.

Q. Dusty?—A. Yes; more or less.

Q. Are you affected in any degree by the smell of the offal of your fellow men?—A. I certainly am; while I am at work down there it hurts me.

Q. How many men are working with you on your shift?—A. I couldn't say, exactly; but I should judge there are 150 men working on the shift.

Q. Is there any provision made for sanitation; are there any of these sanitary cars of which you have spoken of?—A. I have not seen any. I understand there is on the Original side. If we had these cars you would have to climb up from where I am at—you would have to climb up six floors from the 2,200—not six floors; where I am it is seven floors to the 2,200. You would have to go down five or six floors to the level of the Original mine where they have got a car.

Q. The fact is, that the inaccessibility of this car makes it almost useless?—A. I consider it a very good thing.

Q. Well, my question was this: That if the car is so far away from the point at which you are working that it is quite a job to go from your work to the car?—A. Well, it is not such a job after all. Of course, if a man is answering a call of nature he may not have time to reach it; but under normal conditions he would have plenty of time; no hardship on him.

Q. How is that particular point of the mine ventilated?—A. Well, it is ventilated; there is the main shaft and there is the air shaft. The main shaft is downcast and the air shaft is an upcast. Until four or five days ago, as near as I can recollect, from what I heard, speaking about the air shaft, it is down to the 15 level of the Gagnon; but they have been driving raises from the 2,200 to the 20—I am wrong; I think it is the 1,800 level—and they drove raises from the 22 to the 20, and there was another party raising from the 20 to the 18. I understand that they have got them connected down to the 2,200 from the surface.

Q. Were you timbering in the stopes?—A. Yes, sir; raising the chute occasionally. I am timbering in the stope.

Q. When you speak of the raising, you speak about being connected up with two air shafts. The air dropped down through the downcast and up through the stope?—A. It comes down the shaft and goes up through the air raise. The air raise is an upcast shaft; it draws up.

Q. It comes up through the stope where you are working?—A. Yes, sir.

Q. If that was in shape it ought to give you a fair ventilation?—A. It does; it has improved conditions in that particular, I suppose; but there are other portions of that mine that are awful hot.

Q. Who is commonly supposed to own that property?—A. Why, the Amalgamated Copper Co.

Q. Has your observation in the mine of late been such that you could state with any degree of accuracy whether or not their idea is to improve this?—A. I don't understand your statement.

Q. Are they putting forth any effort, from your observations, to better the conditions, as a general thing, in the mines in Butte?—A. Well, in this particular case there has; it shows that they have plainly, because they run the air raise from the 2,200 up to the 18. It shows they are doing something toward ventilation. They are also making a new shaft which is down, I think, to the 1,200, and their intention is to drive it down to the bottom of the 2,300. I am not in a position to state, but I suppose that is their intention.

Senator J. C. McCarthy. Is that an air shaft pure and simple?

A. No; the way I understand it, it is to be a hoisting shaft; it is a large shaft.

Q. When that shaft is in operation they can use one of the other shafts as an air shaft?—A. Yes; provided it goes to the bottom; it certainly will improve the conditions of that mine to a great extent.

Q. Is it the opinion of the miners there that it is going to the bottom?—A. Well, I have never consulted many of the miners to that effect, but what men I heard speak of it—that is, the suspicion—that it is to go to the 2,300. I also understand that it is the main shaft when they get it down to the depth. I am not in a position to state what the management is going to do.

Q. Did they make that connection that was spoken of when we were in Butte between the Gagnon and the Original mines?—A. They have connected with the Gagnon and several levels.

Q. They spoke about a new shaft from the Original, and they said when that shaft was completed, which they expected to do in a very few days, that it would improve conditions very much in both of those mines. Do you know if that connection has been made?—A. That is the connection I have spoken of. This air raise they have connected from the 18 to the 22—that is an air raise; it is not exactly a shaft, but what they term an air raise; it is something similar to a shaft.

Q. Could you offer us any better scheme—any general scheme—to better the conditions in the particular mine in which you are working?—A. Well, no; I would suggest—I would state that if this shaft, the main shaft that they are sinking, if it is to be a main shaft and go to the bottom it will improve this mine; I think that that is what they are trying to do; it will greatly improve that mine; such as blasting at noon. I agree perfectly with Mr. Sullivan that blasting at noon is injurious to the health of the miners. When they blast in the drift in the first or second or third or fourth floors, the smoke naturally goes up higher to where the men are working, and if it is hot and the ventilation is poor it hangs there for two or three hours; but the system they have there in mining is about as good as any I have seen.

In many cases they rig up their machines on the night shift and they will drill all the shaft and leave it there until the next day shift comes along and finishes up the rounds, and then blast; but there are times when the boss will order you to blast at any time. I have been ordered to blast there at any time, whether that was through the order of the boss to the shift boss I am unable to state.

Q. Do you think it would be possible to maintain a general average in Butte by drilling on one shift and blasting?—A. I think it would help to a great extent.

Q. Do you think it would be possible to maintain a general average in Butte would.

Q. Well, what, in your judgment, is the reason that the company does not adopt that system?—A. Well, from my point of view, there has been a constant

cry for rock ever since I have been working in Butte—one shift boss trying to beat the other—that is about the only reason I can think of.

Q. Then, your opinion is that the men have been sacrificed to a certain extent in order to maintain the reputation of the shift boss? Is that your idea?—A. I think it has been prejudiced to that extent.

Q. And not helping the company in any way?—A. I don't consider it such; of course, I have no knowledge of how the management should be run, not ever having run a mine myself?

Representative NELSON STORY, Jr. Are the shift bosses members of the union?—A. Yes; they have a right if they see fit to continue their membership in the union. They are entitled to a sick benefit, funeral benefit.

Q. Well, do they as a rule continue their membership?—A. Most of them do, but they have no voice in the affairs of the organization.

Representative P. J. DUFFY. The union has no jurisdiction over a shift boss, have they?

A. No; not while he is employed in that capacity; the union has nothing whatever to do with it. If he continues in the union, it is as a beneficiary member.

Senator J. C. MCCARTHY. Do they object to continuing him as such, as a rule?

A. As a beneficiary member?

Q. Yes.—A. No, sir; it is optional with the bosses themselves.

Representative NELSON STORY, Jr. Do you know whether conditions are better in the big mines operated by the Amalgamated or in the small ones operated by some one else, Mr. Driscoll, or are you in a position to state?

A. I am not in position. I have never worked in very many. What small mines I have worked in, which are very few in this State, conditions are far better in the small mines, because there is a reason for that—the workings are not as large, much better to ventilate. I should think that would be so, naturally; where the workings are not so large, it is easier to ventilate.

Q. Did you mine before you came to Montana, Mr. Driscoll?—A. Yes, sir; a short time.

Q. Where was that?—A. Michigan.

Q. How were the conditions there as compared with Butte?—A. Vast difference.

Q. As to the method of mining, the nature of the ore, or the facilities of the company?—A. Well, I think they are a little better in all respects; their methods of mining are quite different from here.

Q. Did you ever pay any particular attention to the so-called miner's consumption, Mr. Driscoll?—A. Well, I paid attention to it to this extent, that I have seen a great portion of our membership in the last four or five years dying with miner's consumption.

Q. The men, the old miners in Butte, are affected by it largely, to a large degree, are they?—A. Yes; I think about one-third of the old-timers are affected with miner's consumption that have worked for some time in the mines. It is certainly a sad sight.

Senator J. E. LEARY. I would like to ask you if it were necessary to use as much powder in the mines in Michigan as it is in Butte?

A. If it is as necessary?

Q. Yes; if they use as much?—A. Well, yes; the rock is a good deal harder than it is in the Butte district.

Representative NELSON STORY, Jr. Have you any suggestions whereby you could do away with this blasting in the middle of the day or in the middle of a shift, whatever it is?

A. As I stated before, if they would blast going off shift, that it would be more beneficial to the health of the miners.

Q. Yes; I understand that; but have you any idea whereby such an arrangement could be perfected? Don't you suppose that if it was put up to the company in the proper light that they would see it that way, or do you suppose that the shift do it without consulting their superiors?—A. I couldn't state.

Senator J. C. MCCARTHY. What Mr. Story wishes to get at is this: One shift drills the entire day through and puts in their full day's work and blast as they are leaving shift, and that would allow the smoke to escape in the meantime before the other shift came on.—A. Why, I think so in the majority of stopes.

(Whereupon the hearing was adjourned until Tuesday, January 31, 1911, at 7.30 p. m.)

JANUARY 31, 1911.

Pursuant to the call of the chairman of the joint committee the committee met at the courthouse a Helena, Mont., on January 31, 1911, at 7.30 o'clock, the following members being present:

Senators I. A. Leighton (chairman), W. E. Christopher, J. C. McCarthy, C. P. Tooley, and J. E. Leary.

The following representatives were also present: Representatives P. J. Duffy, J. C. Duffy, and Nelson Story, Jr.

The meeting having been called to order.

Dr. P. H. McCARTHY was called and sworn as a witness and testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. P. H. McCarthy.

Q. And you are a physician and surgeon, are you?—A. A physician and surgeon.

Q. How long have you resided in Butte?—A. About 18 or 20 years.

Q. During this time you have been practicing your profession all the time—all this time?—A. Practicing my profession in Butte about 11 years.

Q. Previous to that time what were you doing—working in the mines?—A. Working in the mines; that is, part of the time.

Q. Yes, sir; and, Doctor, during your professional life there have you come in contact with a great many of so-called miner's consumption?—A. I have.

Q. Will you state to the committee—first, let me ask did you ever hold an autopsy on one of these subjects?—A. Yes, sir; a great many.

Q. Doctor, will you go on and state to the committee the conditions that you found the body in—the lungs, etc.—according to your research in those matters?—A. When we find consumption of the lungs, as a rule, of course, the body was badly emaciated and run down, as you will find in any case. We would find the tubercular nodules in the lungs; and the cases in Butte are just the same as in any other case of consumption. We find the tubercular bacillus—that is, the germ that causes it—find the giant cells and tubercle. We would find the lungs hardened and indurated; in the miner's lung we would find also what we call, or what is known in medical parlance, anthracosis; that is, a blackened deposit in the lung tissue itself. That is about the only appreciable difference that you would find in the consumption that we have among the miners and any other kind of consumption. Anybody that has lived in Butte, or in any smoky city, where they are absorbing the smoke and dust, we find the lungs in almost the same condition; but amongst the miners you find it worse, because you find deposits of fine granite-like substance or sulphur-like substance, whatever it may be.

Q. Doctor, may I ask you a question right there? In these fine deposits that you found in the lung tissue—that is where you found it?—A. Yes, sir, Senator.

Q. Did you ever place that under a microscope to ascertain just what it was?—A. Yes; I have, but I never made—you would find just small, small particles of dust, but not making any chemical examination of it, why, I woudn't be able to state, of course, what it is.

Q. Was there very much of that deposit, that fine dust deposit, in the lung tissue. Was there a large quantity of it?—A. No, no; not a large quantity, just sufficient to blacken the tissue of the lungs.

Q. May I ask again; you stated that a black deposit—that is what you meant by a black deposit?—A. Yes.

Q. Why do you call it a black deposit? Because it is darkened?—A. Because it is dark in color, and, of course, it is just typical, what we call the anthracosis, just the same as they get in the anthracite regions of Pennsylvania, the same kind of deposits, or the same kind of deposits that we would get from anybody in a smoky city.

Q. Now you may proceed, Doctor.—A. Well, that is about all I could tell.

Representative NELSON STORY, Jr. You say, Doctor, never having made a chemical analysis of this black deposit you are not prepared to state exactly what it consists of?

A. No; it is pretty hard. Of course, it would be constituted of a great many different things, for instance, it may be from smoke, some of it would be from coal smoke, and some may be from the dust in the drifts, some of it may be from the smelter smoke that we have had there for years, so you would find different elements in this deposit undoubtedly.

Senator I. A. LEIGHTON. What do you mean, Doctor, by that—you find different deposits?

A. Undoubtedly.

Q. What were those different deposits besides the real rock itself? Real rock dust?—A. Well, I wouldn't be prepared to say, of course, only that we know that smoke, any kind, say the sulphur smoke. Now, if we analyze that we find—we may find some arsenic, we may find some sulphur, we may find just calcium salts, we may find any of those in there.

Q. In your opinion, Doctor, as a professional man, Doctor, do you think that these deposits that have been drawn into the lungs that you describe would produce the condition that you find the man in, a tubercular condition in other words?—A. No, no.

Q. Then, Doctor, do you think that the man had tuberculosis, had consumption, before he started to work in the mines?—A. No, not necessarily; no. He may have, but not necessarily; no.

Q. Then, if he contracted the disease while working in the mine, how in your opinion did he get this, how did he contract it?—A. I think he contracted consumption by coming in direct; that is, he directly contracted consumption or phthisis, whichever name we wish to call it, by coming in direct contact with the tubercular bacillus, that is, the germ that causes consumption, that is the real cause. Now, there is no question about it that a predisposing cause to that would be, this dust could irritate the lungs, a man could be in bad air, powder smoke, or different conditions of that kind, it would lower his resisting powers, then when he came in direct contact with this tubercular bacillus, given off from perhaps somebody that is working in the stope or drift or a raise with him, he is more liable to contract consumption than he would if he was out in the sunlight, and he has a better chance because he is in a close, boxed-up place.

Q. You regard, Doctor, consumption a germ disease, do you?—A. Undoubtedly.

Q. You don't consider it to be contagious, or do you?—A. Well, of course, we would have——

Q. Information is what we want, Doctor?—A. Of course, I am not in a position to say whether it is contagious absolutely or not, but I do know it is infectious.

Q. Right here, Doctor, isn't it so considered by the medical profession to-day that consumption is not a contagious disease but an infectious disease?—A. Correct; I think according to the best authorities we have.

Q. Yes; that is my understanding. Then, Doctor, you could say that the large number of so-called miner's consumption, consumptive cases, that we understand are now in the city of Butte among the miners there, one-third has been claimed, that one-third of the miners to-day are affected with this disease, we understand you to claim that they do not contract that disease through the conditions of the mine?—A. Not entirely; no.

Q. Well, do they in any sense of the word?—A. Well, just as I say, it may predispose; if we can take the cause and trace it back entirely, we would have to say that mining is a position that would predispose to those diseases like consumption, it would irritate the lungs sufficiently to give this tubercular baccilus an opportunity to act, and I firmly believe that a good healthy person can throw off those tubercular bacilli for a great many times; their resisting powers are greater than a man working in a mine where the air is bad and such things that you can describe that you will find in the mines, but if they never came in contact with this tubercular bacillus they would never have consumption; but it is a predisposing cause, mining is.

Q. Doctor, the healthy lung, then, will take in that that you found—the deposit in the lung, the healthy lung?—A. Yes, sir.

Q. If their conditions, then, were good; that is, if they were not mingled with consumptives after that, what would be the result of these deposits in the lungs, in your opinion?—A. It may cause a sort of a form of asthma, in a way, your breadth would become shorter, the air cells of the lungs may be impaired some, but it would not cause death.

Q. Well, do you mean by that, Doctor, that the lungs, in time, would throw that off?—A. The deposits?

Q. Yes.—A. No; not entirely; you would always have this anthracosis condition, or, in other words, as we understand anthracosis, it is a disease, but it is not a fatal disease, and you can live on for years and have your lungs. To explain it to a committee not understanding what it means, of course, an

anthracosis condition will just leave the lungs just kind of hardened from this deposit, and when you breathe you don't take in the air as readily and let out the CO_2, the carbon dioxide, the poisonous material from the body, as readily as a good healthy lung, but it won't cause consumption.

Q. What would be the results, Doctor, in your opinion, of a large amount, where large amounts of these deposits—would it, then, in your opinion, make any difference as to developing into a tubercular condition?—A. No, sir; you never could get tuberculosis without the tubercular bacillus.

Q. What is the opinion of the medical profession; that it is a germ disease?—A. That is the opinion of the medical profession all over the world, I think. I know the best authorities——

Senator I. A. LEIGHTON. Any member of the committee would like to ask the Doctor some questions; he is practically here as an expert on that.

Representative NELSON STORY, JR. Doctor, what is your opinion of the general prevalence, or the general presence of these tubercular germs in the average man; that is, take an analysis of an average community that is alive with them, what percentage of men would you find that had these tubercular germs in their saliva?

A. Different localities; it would depend.

Q. Well, take Montana, take here for instance—take in this room?—A. Well, we may go over this entire room and not find it, but the chances are that we would find it in some; but nature will throw it off a great many times. Sunlight will kill the tubercular germs quicker than anything else that we know of at the present time. Different localities, of course, you find it, like New York or the State of Michigan or different States that have got sanitariums to take care of the tubercular patients, of course, you don't find the tubercular bacillus around as great as you do in places where they are let run at large entirely and no restrictions whatever upon it. Of course in New York State and in different States they take care of the patients and almost have a quarantine on them, and they carry their sputum box to spit in, etc., and that is burnt up; some of them are arranged so that there is an antiseptic in the box, that when they spit the germ is killed off, and then they don't fly around the country, and you don't find as many germs. Consumption is absolutely infectious, and it is a mighty easy matter to get irritation, just the slightest irritation, or an abrasion on the hand, any place, you may take tuberculosis or consumption; it is the same thing you find it a great many time in the bones of the leg, find it a great many times in the skin, or cases of lupus, that is consumption, but it is local, it is superficial, and we can kill it off. Any place that we can get at the germ we can kill it, or any place we can get at the disease we can kill it, but in the lung we can't get at it.

Q. Then, Doctor, this disease called miner's consumption, there is really no such thing as miner's consumption?—A. No; there is really no such thing. The only reason, I suppose, we would call it miner's consumption is because we find it oftener among the miners; the miners are exposed to infection oftener than any other class of people.

Q. Are tubercular germs ever passed through the bowels like typhoid-fever germs?—A. Where you have a tubercular condition of the intestines you pass it through the body, but not like typhoid.

Q. Does that prevail to any extent among the miners—A. No, sir; it don't; no; you very seldom find a germ in the stool unless you have a tubercular condition of the intestines, stomach, or esophagus, or stomach; there are a good many times it could be passed through, of course, but as a rule you spit them out. Of course, you will find it in the urine; you take a tubercular condition of the kidney, or urethra, or the bladder; you will find it in the urine; wherever the conditions, that is where you find the germ.

Q. In your estimation, would it be easier to contract consumption in a dry place than in a damp one?—A. Yes, sir; it would.

Senator I. A. LEIGHTON. Doctor, it has been said that one-third of the miners in Butte are consumptives. How do you account for that thing?

A. They are becoming—unquestionably, they are becoming infected from each other. You take one man will be good and healthy, and he will get down in a drift with another man that has consumption; this drift is a small narrow place, the dust, of course, arising from the drill and from the air; they spit out there on the ground, the sputum dries up, and the air and dust bring it into the lungs; the dust undoubtedly will irritate the lungs sufficiently to give the tubercular germ a chance to act, and they become infected from each other.

Representative NELSON STORY, Jr. Now, if you were authorized to stamp out this miner's consumption in Butte, what would be one of the first steps that you would advocate, Doctor?

A. The very first step—O, well, if they put me on to stamp it out, the only way I could go at it would be this way: I would get just as good condition of the mines as I possibly could to start with; the next thing I would do would be to allow no man with consumption to work in the mines, especially with a healthy bunch of men; I would have to quarantine sufficiently to keep them separated.

Representative J. C. DUFFY. You hold, then, Doctor, that the dust that is in the mine is not responsible for the miner's disease?

A. Absolutely not responsible for the disease. I say that it predisposes; in other words, Mr. Duffy, it takes the germ of consumption to cause consumption, and you can not have consumption any other way; but I say this, that if dust will irritate the bronchial tubes, etc., and leave a raw surface there it give this germ a better opportunity; but you never have consumption unless you come in direct contact with tubercular bacillus or the germ that causes consumption.

Q. If you send two healthy men down to work in a virgin mine without coming in contact with any of those people who are affected with this disease, there is no danger of them contracting that disease?—A. No; not in that mine——

Q. No matter what the ventilation may be or dust?—A. No matter what the ventilation or dust may be, they would never get consumption, but they would get this other condition—what I call anthracosis; but it takes these tubercular bacillus to cause consumption, and without the tubercular bacillus you haven't got consumption; you may have another disease; you may develop an asthma; the deposits of dust in the lungs may be sufficient to prevent you taking the oxygen in the air and giving out the CO_2, the carbon dioxide, or the waste material from the blood; the circulation of the lung would be plugged up and the arteries hardened that they couldn't get those off; still that wouldn't be consumption.

Q. Doctor, it is possible that this may be asthma, and not consumption, as we term it?—A. Why, we know that it is not; we know the tubercular bacillus is present in a great many cases, as far as we have examined, and we have examined a great many.

Q. How do you distinguish the difference between miner's consumption and mill consumption, Doctor; is there any difference?—A. No; I don't really believe there is any difference between any kind of consumption. Now, I am strictly speaking of consumption.

Q. I have reference to what we term as miner's, both mine and mill consumption. Perhaps we may not be correct in using that phrase?—A. Yes; I think that would be quite correct, Mr. Duffy; I think that if you work in a mill or you work in a mine it is a hazardous job undoubtedly, and you are not breathing in as good and as fresh air as somebody on top; your lungs are weakened to a certain extent, then when you come in contact with the tubercular bacillus, or the germ that causes consumption, you can get it very readily. But there is only one consumption that is absolutely due—that is known as the disease of consumption—that is due to the tubercular bacillus; and if my lungs are irritated and the surface is a little raw in there, and I am not feeling good, my resisting powers have weakened and I come in direct contact with that tubercular bacillus I am going to develop tuberculosis or consumption. But the dust will predispose to consumption that way; bad ventilation, bad sleeping rooms, anything that will lower the resisting power of the body will predispose to consumption.

Q. You know, Doctor, that the air is ever so much better in the mill than it is underground a couple of thousand feet, and can you account for out of the thousand or twelve hundred men that die in a period of, say, between six and seven years in Granite County, how it came about. It is certainly a fact that the air was good—if this wasn't caused by dust?—A. Of course we know—you saw whole families wiped out in five years that never saw a mine or mill with consumption, haven't you?

Q. Not as general as this.—A. Can you recall of any families where you have heard that consumption was hereditary and they all died, and it was almost hopeless if your father and mother had consumption; you would expect the whole family to go soon—you recall those cases, don't you?

Q. I have heard of those cases.—A. That is the same thing—one infected the other. I think now the only way I could explain Granite County was the

dust undoubtedly irritates the lungs; somebody came in amongst those men that had consumption; they caught that, one from the other. We know in the State of Michigan, or in the State of New York that the question—well, in every State in the Union—the question of consumption is becoming quite a question, and the different States have got institutions to separate them as much as they can, because one catches it from the other. Before the State of Michigan put on restrictions on consumption their death rate was larger than any State in the Union; 12 years ago they started to quarantine them, more or less, build institutions for them, and they have cut their death rate down at least 85 per cent. Our death rate in the State of Montana from consumption is running upward, while theirs is running down; New York is the same; they got a quarantine on it, more or less, and they are lowering their death rate very considerably, and, in fact, in a short time they expect to wipe it out, and I think they can, just the same as they have the yellow fever; any of those places, by putting restrictions on. Typhoid—you saw hundreds and hundreds die of typhoid—well, they became infected from the typhoid germ; when they put on the proper sanitations we had no more typhoid. I think if the proper sanitations are put on consumption we would have no more of it; it is absolutely a disease that can be handled.

Representative NELSON STORY, Jr. Do you know, Doctor, what the ratio of deaths in Montana from consumption is, compared with the deaths from other causes?

A. No; I do not. I haven't looked it up, but it is something appalling.

Q. Isn't it a fact that there are more people die from consumption than from all the rest of the diseases in the State of Montana?—A. I wouldn't say that for sure, but I think it is close to it; I haven't looked it up; I couldn't answer definitely.

Senator I. A. LEIGHTON. Any other questions to ask by the committee?

Representative P. J. DUFFY. Do you think the sanitary conditions in the mines in Butte has got anything to do with the breaking down of the men?

A. Yes; that is, the air, undoubtedly.

Q. I mean from nature's call of men, where they are right around among themselves, do you think that has got anything to do with the breaking down of their health?—A. It is not a good thing; I think it has, more or less. Of course, I think drinking cups, different things like that have a great deal to do with it, the breaking down of the men.

Q. What I mean is strictly—is this——A. All right; be plain.

Q. Shitting in the stopes right under you, 7 feet under you, and this smell going around, has that got anything to do with the breaking down of men?

Representative NELSON STORY, Jr. Ammonia irritates the lungs, does it not?

A. Yes.

Q. That undoubtedly arises from a man's stool?—A. Yes; NH_3 is given off; any time it starts to decompose NH_3 is given off; that is not good; it is not healthy.

Senator I. A. LEIGHTON. Any other questions any other member of the committee would like to ask?

Representative J. C. DUFFY. Are you somewhat familiar with the mines in Michigan?

A. Well, a year ago or a year and a half ago, I think, I went down in one of them; that is the only time I ever went in the mines in Michigan.

Q. What do you find the conditions there as compared with the mines in Butte, where large bodies of men are working? Is the disease as prevalent as it is in Butte?—A. I hardly think so; I don't think so; I don't think it is; I think at present Butte is worse than any place I know of.

Q. You don't know how to account for that, Doctor?—A. No; only in the evidence I have given in the past. Perhaps the Michigan mines are wetter; there is not as much dust given off, I think. I have never been through any of the Michigan mines; I have just been down.

Q. Then the dust would have something to do with it?—A. Dust will irritate the lungs; that is my absolute contention, and anything that will irritate the lungs will predispose to that disease.

Representative P. J. DUFFY. Smoke will.

A. Yes.

Q. Powder smoke will irritate.—A. Powder smoke will irritate low resistance. But if the germ isn't present we would never have consumption.

Representative J. C. DUFFY. When asthma sets in, as you say, shortness of breath, the lungs at that time are weaker, are they not?

A. Yes.

Q. That weakens them?—A. Yes.

Q. Then it is very easy for them to contract the disease?—A. Yes, easy; the circulation in the lungs is interfered with; the tissue is not as flexible as it would be if it didn't have those deposits. Then, of course, it is harder for the oxygen to get in there; your circulation becomes stagnant, perhaps causes—well congestion in any particular spot; then there is the irritation in the air cell proper, and the moment that the tubercular bacillus enters there it gives it a good field to act upon.

Representative NELSON STORY, Jr. Impoverishment of the blood necessarily reduces the vitality of man.

A. Reduces the vitality of man. That supply of oxygen is not as great as though you were in the open air; any kind of mining will more or less predispose, it don't matter where; it lowers your vitality; your air is impossible to get in as good, and the better the air the better your condition will be. No question about that.

(Witness excused.)

Whereupon JAMES McGUIRE, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. James McGuire.

Q. Where do you reside?—A. Butte, Mont.

Q. How long have you resided there?—A. Two years ago last May I came in there this last time.

Q. What is your age?—A. Thirty-seven, 17th of last February.

Q. What is your occupation?—A. Miner at present.

Q. How long have you worked at that business?—A. At mining?

Q. Yes.—A. Well, I have worked now 25 years underground.

Q. Twenty-five years?—A. Yes.

Q. Twenty-five years. Are you working at the present time; that is, in any mine up there now—A. Yes, sir.

Q. What mine?—A. The Speculator.

Q. How long have you worked in this mine?—A. Since the 10th of last November.

Q. Can you say whether the conditions now are better or worse than when you first began to work in this mine?—A. Well, no; not in that length of time. I can not say that they have varied any one way or the other.

Q. Have you anything to suggest or offer as to how the present conditions could be improved?—A. Well, the air certainly can be improved in any mine that I have ever worked in in Butte. Remember, I am quite an old-timer around there, too; I have been there before.

Q. Mr. McGuire, is there any apparent effort upon the part of the management in the mines to improve conditions?—A. Well, as near as I know, the air is not practically handled—or properly handled.

Q. Will you explain to the committee what you mean by that, Mr. McGuire; I don't know as I really understand what you mean.—A. When I say this—it is not carried in a direct air course when it ought to be.

Q. Well, then, you can go back to the question that I asked you a while ago. Is there any suggestion you would offer as to the improvement in that particular?—A. Well, my suggestion is, carrying an inlet and an outlet to where each man and every man is working, as it ought to be, and it is not expensive to the company, or very small one; I believe an inlet and outlet on your sills especially; that is, on the lead of the ore.

Q. Would you explain to the committee how that could be done?—A. Well, it could be done by carrying the first floor within 30 or 40 feet of the breast of the sill, or four or five sets from the breast, and bring the first floor over the top of the sill; that gives you an inlet and an outlet.

Q. Have you anything to offer as to the conditions as you found them in this mine, from a sanitary standpoint?—A. Well, sir, what would be a very good thing in these mines, although they don't use them, are the sanitary cars, although they don't use them in a coal mine, but the sanitary conditions are just as good and ought to be used in a mine just the same as they are used on the surface; can be worked just as clean.

Representative P. J. DUFFY. Couldn't you give us further explanation in the way of ventilation; how to get better ventilation?

A. Well, they could use fans and give you a forced ventilation; anything helps; where you have a single air current there is different ways of getting air, a better ventilation of air in Butte. You can put doors on each and every manway and leave a few cars of rock in the chute, and your stope will make your natural air course for you, as it ain't done in no mine that I ever worked in in Butte, the air will come down a raise, and maybe it will go to the next chute or manway and down onto the sill, and chance is to her outlet and out the shaft.

Senator J. C. McCarthy. Has a man pushing a car any means of knowing how much ore is in a chute before he starts to load?

A. He has a pretty fair idea; he knows when he pulls the car out of the chute it will make a noise enough to leave him know.

Q. And he can learn by sound?—A. He can learn by the sound, according to how much rock there is in the chute, or make a pretty fair guess; he can pretty near tell whether there is 7 or 8 cars in there, or whether there is 40 or 50.

Q. Has he the privilege of going to any chute he pleases to load his car?—A. Well, the way they conduct it now, they go to any chute that they have got rock in and clean them all out, as clean as they possibly can get them.

Q. Is that done at the end of every shaft; is that the idea to clean out all the ore there is at the end of each shift?—A. That is done from the time they start on shift until they go off; the chute is generally empty all the time, without you happen to blast right over the top of them, and then there may be 40 or 50 or 100 cars go in there at once, and they would take them in there to pull it out.

Q. Then you think if a little rock was left in each chute, enough to shut off the air that the conditions in the stope would be much improved?—A. The conditions in the stope would certainly be much improved over what air we have got at the present day without getting better air.

Q. Then do you think there is any gain to the company by cleaning out the chutes every shift?—A. No, sir; I think it is detrimental to them.

(Witness excused.)

Whereupon JOHN DALY was called and sworn as witness, testified as follows:

By Senator I. A. Leighton:

Q. Your name?—A. John Daly.

Q. Where do you reside?—A. Butte.

Q. How long have you resided there?—A. Well, I have been off and on around there for 12 years.

Q. Your age?—A. Thirty-one.

Q. What is your occupation?—A. Mining.

Q. How long have you been following that business?—A. Well, since I was 12 years old.

Q. Twelve years old?—A. Yes, sir.

Q. What mine do you work in?—A. I am now working—now, at the present time—in the North Butte, Speculator mine.

Q. How long have you worked in this mine?—A. Well, I have worked there four or five different times, but this last time I started in there last spring and been working there ever since.

Q. Can you say whether the conditions in the North Butte mine are now better or worse than when you first worked there?—A. Well, they are a little better in some places, and other places they are worse.

Q. Then on the whole would you say the conditions are improving or not?—A. They are improving some in certain places, where the air reaches, and other places where the air does not reach at all they are actually worse.

Q. Have you any suggestions to offer as to the improvements on the present conditions of the mines?—A. Yes; the air could be conveyed from where it is good, where there is lots of it, and turned in a proper manner by carrying air courses, of course; that is, turning the air so it could travel through these hot places, and not letting it get back to the surface; it takes the short route from the intake to the outlet and they don't take enough means to prevent it. They can do it by shutting it off and transferring it into these hot places.

Q. Is there any apparent effort upon the part of the management to improve these conditions?—A. Well, I see a little; they are making efforts, but it don't seem that they have enough knowledge to follow it up.

Q. I don't understand that.—A. It don't seem that they have enough knowledge in ventilation to follow it up.

Senator I. A. LEIGHTON. Any member of the committee wish to ask any questions?

Senator J. C. MCCARTHY. Mr. Daly, you have worked in coal mines a great deal, haven't you?

A. Yes; I have.

Q. What part of the country or the world did you work in? Did you work in England for some time?—A. Worked in England when I was a boy; that is where I was first broke in; I worked in several States in the Union, pretty much from the Atlantic to the Pacific.

Q. Do you know of any reason why the North Butte, or the Speculator I believe you mentioned, couldn't be ventilated properly?—A. I don't see why it shouldn't. I haven't seen a mine yet, or any part of a mine, that couldn't be ventilated if it was undertook. It just simply means, if they ain't got enough air down there they could use forced ventilation to convey it there. Anyhow, all they have got to do is to transfer it after they get it down, but they have got to give it a chance; they have got to make a distinct air course; the air has got to come down and it has got to make circuit; I don't mean by driving raises through from one level to the other. The more raises that is drove through those levels from the air courses is detrimental to the current of air when it is traveling on its course.

Q. You stated a little while ago that they made no efforts to take from the air courses, to transfer it to the inside workings? How could that be done? By doors?—A. By doors and brattich. Brattich is a term we use in coal mining; it simply means light lumber placed for ventilating purposes; in other words, they use canvas; in places they use canvas in place of brattich.

Q. There is both an intake and outlet to that mine, of course?—A. Yes; they have got an intake on the one lead, and, of course, the main hoisting shaft is the outlet, as far as I can see.

Q. In your opinion, does the operation of the cage in that interfere with the ventilation very much?—A. Well, not necessarily; their outlet is really larger than their intake, and the cages cause a vacuum anyhow and help it, I should think, because you can feel it; there's instances when you are working in on the main air course you can tell, you can feel like the vibration of air, and you can tell when these cages are running. Of course, an expert could determine that; I am speaking from a practical standpoint.

Q. How many levels are there in operation at the present time in that mine?—A. Well, I couldn't state. I think it is in the neighborhood from the 600 down that is working at the present time.

Q. To what depth?—A. I think they are drifting on the 24; I am not positive now; I know they were cutting a station a while ago.

Q. Suppose the management issued an order that a certain amount of rock be allowed to remain in the chutes at all times; would that effect the air very much?—A. It certainly would; it would be beneficial to the air if the air was left in the chute and the manways with trapdoors, or offset it from the sill. Of course, I mean by this that you take your air; this is your permanent air course—your sill is your permanent air course to your innermost workings to the sill. Well, everything is to be concealed along there between there and the work above, that has got to be shut off entirely, trapdoors put on the manways; either that or offset and trapdoor entrances to the manways, and this rock has got to be left in the chute just in order for to keep—just enough to keep the air from coming through. I have seen this worked out myself in Butte, where I worked in the Stewart mine.

Q. You saw that plan in operation in the Stewart mine?—A. Yes, sir; saw it in operation in the Stewart mine.

Q. Well, how did it work?—A. Well, it worked pretty fair, but they didn't have quite enough air, and they got kind of lacking in their discipline; they didn't look after things; it fell off; it wasn't carried on properly; it was carried on to a certain extent, you know, but it just simply dropped off. They had pretty good results; it was a little warm in the stopes, but they have the continual fresh air going in there, and the sill was an exceedingly fine place to work. That was on the 1,800.

Q. Isn't the air course of the Speculator mine connected with the different levels?—A. Well, it is; it is branched off—the branches from the air course into all levels, you understand.

Q. Then your idea is, Mr. Daly, that the air could be split, as they say in coal mines, a certain proportion sent to the different levels and distributed in the way you mention?—A. Certainly it could be taken from the nearest point from the air shaft, and, for instance, you have got men on the east, west, and north, of course, you have got to make a division according to the number of men you have got and what direction you are working in; if you have got more men on one side, you can make your division a little larger.

Q. That could be easily arranged?—A. It certainly can.

Q. How many men are there at work in that mine?—A. Well, I couldn't tell you.

Q. Approximately?—A. Oh, I should judge about 300 a shift, I guess; something like that.

Q. What is the size of the air course?—A. I was never down the air course at all.

Representative NELSON STORY, Jr. Then, if you had an air course that supplied sufficient air to the mine it would be just as easy by the use of those trapdoors and brattiches, as you call them, to distribute that air around the mine as it would be for a farmer to put the water from his ditches around on the different parts of his land?

A. Just the same to a practical miner.

(Witness excused.)

Whereupon PATRICK CLOONAN, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Where do you reside?—A. Butte, Mont.

Q. How long have you resided there?—A. A little over 10 years.

Q. What is your age?—A. Thirty-two.

Q. What is your occupation?—A. Miner.

Q. How long have you followed that occupation?—A. A little over 10 years.

Q. What mine do you now work in?—A. Well, at the present time I have not been working in any mine, the last mine I worked in was the Buffalo.

Q. When?—A. About two months ago, or a little more.

Q. How long did you work in the Buffalo?—A. Just about two years.

Q. Can you say that the conditions that you worked in at the Buffalo mine—that the conditions were better or worse when you first began to work in the Buffalo mine?—A. I couldn't tell you any different, I didn't see any difference; it was about the same all the time.

Q. Have you anything to offer, any suggestion to make as to how the present conditions could be improved?—A. Well, the only condition at the Buffalo mine that could be improved was that the sanitary conditions could be improved.

Q. How; explain to the committee?—A. Well, there could be cars taken in the crosscuts in the mine, and have a place for me to go to answer a call of nature, or when a call of nature comes on them, besides going down where men are working; it is then very easy to take the car out on top and take the hose and wash it, and wash it out, and take it down again.

Q. Was there any effort on the part of the management to improve those conditions?—A. Not the sanitary conditions.

Q. None whatever?—A. No, sir.

Representative NELSON STORY, Jr. What are the general conditions in the Buffalo mines?

A. Good.

Q. Ventilation is first class?—A. Yes; the ventilation is good.

Senator I. A. LEIGHTON. Did I understand you to say that the conditions as to ventilation and the conditions from a sanitary standpoint are good?

A. I said ventilation is good.

Q. But the sanitary conditions, what did you say, I didn't understand how you answered that question? I thought Representative Story asked you that question?—A. Well, the sanitary conditions are just the same there as it is in other mines; there is nothing used in any other mines, no more than men go down and crap anywhere they want to, that is all.

Senator J. C. MCCARTHY. How wide is the Buffalo vein?

A. It varies, you know, in places.

Q. What is the widest place that you recall?—A. I guess about 10 sets.

Q. About 70 feet?—A. Yes, sir; just about.

Q. You don't find any excessive heat there, do you?—A. No, sir.

Q. How deep is it where the widest place is?—A. I believe the widest stope they have there is in the four, I think, if my memory serves me right.

Representative NELSON STORY, Jr. If the sanitary conditions were improved there, would it be as good a mine as you could expect to work in—would the other conditions be as good as you would naturally expect in a mine?

A. Yes, sir; just about.

Q. That is, if the rest of the mines were as good as that, you wouldn't have any great kick coming?—A. No, sir; I don't believe there would be a kick coming.

Senator J. C. MCCARTHY. Have they a fan in that mine?

A. No, sir.

Q. Natural ventilation clear through?—A. Yes; natural ventilation.

Representative P. J. DUFFY. It is considered as one of the best mines in Butte, as far as ventilation goes, is it not?

A. Yes, sir.

Senator I. A. LEIGHTON. I would like to ask those who have testified, anyone of the witnesses, if they have anything further that they would like to tell the committee, that might be of interest to the committee, any of those who testified, I would like to have them do so at this time; if not, I will call Mr. Gillie to take the witness stand.

(Witness excused.)

Whereupon JOHN GILLIE was called and sworn as a witness and testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. John Gillie.

Q. Where do you reside, Mr. Gillie?—A. Butte, Mont.

Q. How long have you resided in Butte?—A. Nearly 30 years.

Q. What is your position there? What position do you hold with the Amalgamated Co.?—A. I am general superintendent of the properties at Butte.

Q. Mr. Gillie, the committee would like to have you, as you thoroughly understand the object of this committee, to go ahead and make any statement that you feel as though you would like to make to inform the committee of anything that would be of interest to them. As you understand, this committee is selected by the legislature to investigate the sanitary conditions and the conditions of ventilation of the mines of Butte, and if you have any suggestion, or anything to offer to the committee, we would like to hear from you.—A. The question that seems to be of more importance, not only to the miners themselves, but to the company, is the one affecting the health of the men; and in this connection a great deal has been said with reference to miner's consumption. It has been very excellently explained by Dr. McCarthy, and his explanation is in perfect accord with reports that we have had made many times by physicians and surgeons who have been connected with the camp, hospitals, principally of the district, for a great number of years.

The first serious disease that seemed to attack the men in the early days of the camp was pneumonia. This was very prevalent some years ago, and our own investigations led us to believe that it was exposure of the men coming from the warm mines and going to their homes in that condition without proper cooling or attention. We started on that within the last 10 or 12 years very systematically, in furnishing change houses where the miners could come in their regular clothes, change, have a suitable place to lock up their clothes, and, on going from the mines, having means provided for thoroughly washing off and showers or pans as they wished, and put on their ordinary clothes and go home in a suitable condition. This has had a marked effect and has cured to a great extent that pneumonia scourge that we had in Butte.

The other serious disease that we have, the miner's consumption, so-called, no different from any other consumption, led us to investigate pretty thoroughly, and at first we were disposed to think that a disease had come into the mines of Butte similar to that which they have in Cornwall, Germany, Spain, and Prussia, all the mines of the old country, known as ankylostomiasis. This is a disease that attacks the human person, similar to the bot disease that attacks a horse or animal. It is a worm that attaches itself to the intestines and takes the substance from the person that should go to him, the same as it does in an animal, causing an anemic and run-down condition. It is not a fatal disease unless the occupation or avocation is persued throughout a long term, and then he gradually will die from decline, worn out. In the older countries

they rest, and they are sent away, or they rest from it, and they overcome it. It is not communicated to the members of the families; for instance, the wives or children do not have it, but the infection is spread through the mines by coming in contact with the excrement in some way, for instance, the urine or the excrement, it may get on around ladders in some way and the germ gets to the mouth, and it is communicated in that way. The physicians there, at our request, made numbers of tests; they found some persons affected with it, new arrivals, or comparatively new arrivals, but in the older men, or after having worked in the Butte district for a time, it disappeared, so we were not alarmed about the spread of the disease. It is quite prevalent in the older countries, and has been the subject of government investigation by all of them, and we secured a number of those reports, also opinions from physicians and others over in that country.

Having disposed of that question, that that was not attacking the Butte miners, why, it comes down to the question of what was; and we found it, as explained by Dr. McCarthy, to be incident to the occupations; that is, it is consumption of tuberculosis produced by the occupation, such as stonecutters have, marble workers, quarrymen, quartz mill, tanneries, factories of numerous kinds wherever the air is vitiated or filled with dust to a greater or less extent.

The dust feature is probably the worst one we have to contend with, and the one that we can hardly completely overcome. When you take into account that there is exploded in the Butte mine about 4,000,000 pounds of powder per year, and realize the amount of attrition, rubbing, and bursting of rocks into small particles, it not only affects the immediate section of the explosion but every portion of the mines, it causes reverberations clean to the top in the old workings, it starts dust from everywhere, places that you could hardly get at.

Something was said by some of the witnesses with reference to these explosions of powder, as to when they occurred, or the blasting operations, as it is commonly called. We attempt to work in Butte two shifts, two eight-hour shifts. In that way we have a certain period of time, as long as possible between shifts in order for the settling of the dust and the clearing out of the smoke and gases produced by the combustion of the powder, and our general practice is that the shooting is done a short time before the shift goes off—that is, the great majority of the blasting is performed at these times. There are many places in all mines where development work is being carried on, where you are carrying on drifts for development or for ventilating purposes, or for sinking shafts to get down where we worked through shafts; that means, of course, that the explosions or the blasting must be done at other time than those mentioned between shifts, but that is a small percentage of the total blasting; it, however, starts dust and causes gases. In some of the mines where the dust has shown to be excessive, we have introduced water, but only in a few places can you get that water effective; that is, where you know there is a very dusty place you can carry water to that point, but in two or three hours before, when the heavy blasting was going on, the dust from all portions of the mine and old openings has been started, why you can hardly detect it in the air; if you will breathe through a handkerchief or some object like that, you will still find these particles of dust in the air. That is an incident to mining, and not only is it in metalliferous mines, but in coal mines or any other form of excavation; outside in quarries it has a better chance to disappear.

As I say, we are doing something toward that, but we can not prevent that feature. The gases from the powder we are attempting to get out as quickly as possible. If you do not get them out, you do not get the efficiency out of the men, and the man, if he attempts to do an honest day's work, why, he is worn out and can not do it, and it is only a question of time until your crew is demoralized. That is the whole substance of it. So it is to our benefit to do the best we can in that direction.

The other point, the question of temperature, is not such a serious one, although it may cause a lassitude or enervating condition, I do not think it affects the health materially. It is also very difficult to overcome. In the mines of Butte there is used about 75,000,000 board measure feet per year and about 250,000 round timbers in addition to these 75,000,000 feet of sawed timber. This timber as soon as it goes into a mine working, there is an oxidation taking place, the heat is given out from that timber, and, to illustrate, it is practically the same as though you are consuming or burning or starting a fire with that and giving out its heat. It may be distributed over

20 years, might be 40 years, but the same amount of heat units that there is in a stick of timber, if it is entirely rotted or consumed, is given off as though it were burned in a stove. You can readily understand the number of thousands of cords of wood going into the mines to illustrate and put it in that way, and this is being burned or consumed by oxidation, which is simply a burning. This causes a large proportion of the heat. We have, also, due to the character of the ores of Butte, which are sulphide, or sulphur, and other compounds called sulphides, and an oxidation going on in the rock itself which produces heat. This, in connection with the heat given off by the timbers, is the great causes of the higher temperature in the mines. Also, in going into the earth's crust at almost any point, whether you are going after ore, whether you are drilling a well, no matter what you are doing, if you are going into the earth's crust, the normal increase in temperature in going in toward the center of the earth is about 1 degree for each 60 feet you go down. This does not hold true in Butte, it does not increase nearly as fast as that, but that is the average of the earth, excavation into the earth, so that you can understand by going into the earth a half a mile, even though there is no oxidation or no heat from the timbers, the natural temperature of the rocks would be considerably higher than when you started.

Now, as to what we are doing in Butte in the way of ventilation. I can state, in the last four or five years, and particularly in the last two years, we have been equipping with a system of forced ventilation. When mines are shallow, or comparatively shallow, the natural or induced ventilation by providing one air course down and another one out, it will naturally ventilate itself. We find that it is too slow in going into deep workings, and have got to get this air quicker, and we are doing that with a system of fans. I have a list of the fans that we have installed during this period and the amount of air that we are putting into the mines is 753,000 cubic feet of air a minute. That, of course, is not all; in addition to the natural—we have a number of natural or induced air openings or ventilating shafts or air courses, as you may call them. Some of these places we are forcing the air in, others we are exhausting the warm air out, which has to be replaced by cooler air from some other places, because when you exhaust the air its place must be taken with more air. This we have found to be very effective. We have had one of our properties, known as the Gagnon mine—some of these gentlemen who testified have worked in it—we opened up twenty-two and twenty-three hundred foot levels. We couldn't get efficiency out of the men who were working in those lower openings, and they came out more tired and run down than they would with probably twice the labor on the surface or at some other place. We installed an exhaust on the air courses in that mine as soon as it was possible to purchase electric power, and we made those levels, twenty-two and twenty-three hundred, the deepest in the mine, comparatively good places to work. We could notice the difference in a very short time.

It might appear to some of the gentlemen of this committee that those things could be systematically started, means of ventilation, and they do in a coal mine. Senator McCarthy is interested in coal mining, perhaps some of the other gentlemen also have operated coal mines; and that is a very essential part of operating a coal mine, is the ventilation of any mines, but coal mines in particular you have got to have it. The difference between our metalliferous mines and the coal mines are roughly as follows: A coal mine consists of a vein or seam in the ground, which is as uniform almost as a sheet of paper in a pile of sand. You start entry on it, your slope, and you start your air courses and you carry them along with you. You can lay out your ventilation system on a piece of paper that is good for 20 years, just what you would do in the operation of that mine, once you have proven your coal seam or vein. With our ore mines, we go down, a vein will appear to be fairly regular, it will be faulted, or it may be continuous; we run a crosscut off into one of the walls, we encounter another body of ore, we start the other way and we encounter something else, another body of ore there; now, we haven't got separate openings to the surface from each one of those bodies of ore—it would be an impossible condition; these bodies of ore might not reach but one or two hundred feet, they might be small, as they often are, small lenses or bunches, as we would call them, separate and apart; it would be impossible to have a separate shaft and air courses for each particular body of ore. That is about the principal difference, when it comes to carrying your air. The other feature of timber in a coal mine, they use a few props and usually draw those when they get out of the way and let the roof come. We can not do that with a coal mine. We frequently have

to go back to the 400 level—we will say, the 400—when we have opened something on the 800, to see if it did not exist up there. We can not let the openings come like that—that is, walls or roofs of a coal mine—they let it come, and they do not have any excessive amount of timber in a coal mine, practically no timber around a coal mine.

In this Gagnon mine that I referred to, as to what we are doing there in ventilation, one of the gentlemen referred to it here, was the shaft that was sinking on the west end; that is, on the extreme west end of the property, as far as we know that the values go, situated 1,000 feet westerly from the main shaft. We are sinking an air shaft at that point, which to the 2,300, where it is proposed to go—at present that is the depth of the mine—we expect to carry it as far as the mines go, but that piece of work alone to the depth that we have outlines will cost over $230,000. That is for air. Now, we are not doing that as philanthropists; we expect to get the value back on the number of tons of ore a day per man; it is economic mining. It tends, of course, to the better health and the better conditions of the miners, and the better he is the better he is for us.

Within two years we have sunk one shaft 1,800 feet, connecting with the group of mines to the north, known as the Badger State shaft, which has made a great difference in that section of the country. We are sinking at the east Colusa, and as soon as we took over the Heinze properties the first work that was started was the air shaft to the 1,300, which has made possible the working of the Rarus mine when that was completed. When we took it over it was in an impossible condition; it was all you could do to go through it.

On speaking of the miners' consumption, I omitted to mention what appears to be the great prevalence of it in the Butte district, which is exaggerated and is greater in that district than in any other district that I know of; one of the reasons is this: When a new camp opens, like Corbin, in your district, Doctor, or Radersburg or Salmon City, the big strong men would sooner—and rightly, too; his judgment is good—would sooner work in the shallow mines of Corbin or Radersburg or a new district, if he is going to follow mining, than he would work in the deeper mines of Butte, where they are bound to be warm; he can not avoid a certain amount of high temperature in the properties. They leave us; none of the men with miners' consumption—that is, that are affected enough to be noticeable—go to those places, because the man at those properties will pick out a good, big, strong man that appears and offers himself for work. This leaves the Butte mines with the older crew all the time; and the younger men have better opportunities in the new camp, and they are going to those new places; they have gone to Nevada and Idaho and Alaska and our own districts in this Rocky Mountain region. The opportunities are better and generally the wages are the same, and I do not blame them for going. We do not, as I said before, claim that we are doing the ventilation solely for the benefits of the miner, although we do attempt to take as good care of him as we can; it is to our benefit in doing that for the men. I think we attempt to use them pretty fairly, and we expect to improve conditions right along. I think a number of those gentlemen who have testified can remember what a hot box the St. Lawrence was. It was in the vicinity of the fire that we have in the Anaconda mine. That fire started, November, 1889, and is burning yet. We put down air shafts and made connections there so that the St. Lawrence is one of the good mines to work in.

Another very favorable feature is the one of consolidation. It used to be, when we made a connection with a neighbor that we were not interested in, if our good air went his way when we made a connection, as soon as possible we bulkheaded or closed that opening up. Now, we are in a position where we can see, owning that adjoining property, that openings must be made and must be left open. One of the principal features in connection with the improvement of conditions in the St. Lawrence was due to the acquisition of the Boston & Montana adjoining property, the Pennsylvania. We were able to make connections with that property and keep them open, and that is true in all the properties, the more openings you can have and can utilize them systematically, the better. We expect to continue this ventilation problem; pursue it to the fullest extent possible, and get the best air to the men that are working in the mines. It means not only good to them but to us.

Representative NELSON STORY, Jr. You are following our general plan that means a perfect system of ventilation to all the properties that you are operating there now?

A. You can hardly say that it is one definite plan, because conditions arise from time to time that you have to change those. You find that one shaft—you think that you will make an upcast from a certain shaft, and you go along and you make connections and you find out that it is not the best way.

Q. But the air won't go there?—A. We are following the general idea of making as many openings and keeping them in as good shape as possible, and we are making them larger. This opening that we are making for the air shaft of the Gagnon has a clear opening of 5½ by 17 feet; that is exclusive of timber or anything else in the shaft; a good-sized opening.

Q. What percentage of your wages at the present time are being paid for improvements and ventilation?—A. Well, a very large proportion just now, or a considerable proportion just now, for the reason that production has been decreased over there; that is, producing of tons of ore, and development has not been curtailed, so we are doing a good deal more in proportion than we would ordinarily. We have a number of those dead-work openings going; that makes the proportion large to the amount of ore we are producing. The other matter touched upon here—considerable was said about it—was sanitation. That is a pretty difficult matter to control for the reason that it is about the only thing that they do not join us in; that is, the men themselves do not join us in. If the men would take the precaution to go into the stopes, which is usually considered the place where he is supposed to go, instead of to a dead end of a drift or an unused drift, the mines would be very much more cleanly. We are continually up against the problem of trying to keep these unused drifts—by that I mean unused; they are not used for tramming purposes or actual mining purposes—a cross-cut may have been run off here 200 feet, or something for a connection of some kind, or for a prospect opening, and it remains there. Pretty soon it is fouled from one end to the other. If you go into the stope to perform a call of nature, it goes into the gob and is soon covered up.

Senator I. A. LEIGHTON. Let me ask you, Mr. Gillie, how is it covered up? What is the method?

A. We have got to fill these stopes all the time.

Q. By filling?—A. We have got to fill all the time; the filling covers them up sooner. And in this connection I would state that any other kind of mines than these sulphide mines would be very much worse off; and a worse condition than they are in the sulphide deposits or ores. They are disinfecting themselves to a great extent, to a very large extent. It is one of the reasons for the disappearance of this disease that I mentioned before—the germ can not live in the presence of this sulphide dust, or whatever moisture comes in contact with this sulphide ore, the slightest amount of it forms an acid that is a great disinfectant. However, there was considerable agitation on this sanitary business and we have tried to work out some scheme, and we have for about a year and a half in one of the largest properties, we have toilet cars. Also we have experienced a great deal of trouble in getting the men to use them, but a large proportion now, by keeping after them, they are using them. Many of them I have talked with myself would prefer to go to the stope, where he don't come in contact where any other person has been, than he would go to a water-closet. The toilet car is simply a water-closet that he gets on there; the same as any other toilet. It is not like a toilet in a hotel, for instance, that is porcelain and washed off every day. This is washed twice a day for that matter, but there has been a great number of men there before him, and he don't know but that he might come in contact with some kind of a disease; that is natural for anyone to think so. The mine I refer to equipped with the—was one of our large properties, the High Ore mine; they are equipped with those toilet cars. There is a car run on each level where there is any considerable number of men working, and put in a convenient place, and they are supposed to go and use them, and we make the best effort we can to have them all use them. It has got a sealed top with a removable bottom, made like an inverted pyramid in the bottom, and is taken on top and run out on the dump and washed out with a hose; that is, at the end of each shift, and then returned to its place. It is about the best thing we have been able to devise. In no other place have we been able to learn of where they have any appliance of the kind. We are equipping the Original; we are getting those cars made at the present time for the Original, Gagnon, and Stewart properties, and we expect to put them in throughout if we find that it is suitable and is in favor with the employees. It does not mean any great

expense; it takes but two or three hours twice a day for a man, but we are willing to do anything like that that we can that will improve conditions.

Senator I. A. LEIGHTON. Mr. Gillie, in the levels that you have just explained, where the men would not use, would not respond, to the calls of nature to those places that would better the sanitary conditions, isn't is a fact that your shift bosses could force them to do so; that is, to see that they did do that?

A. Well, you can to a large extent. It is what we are attempting to do by that means. But a shift boss, when he gets a pretty good crew and he gets a good man—for instance, if he found that a man went off in the stope somewhere and attended to a call, why, he wouldn't want to send him on top simply because he didn't go down to the car. But we are using our best efforts to prevail upon all of them to use that appliance, and we will equip throughout and see what effect it has. If it is in favor, and they will use them, why, we will continue to use and get completely equipped with the toilet cars; and it is the best one we know of, best one we can learn of. They have them in no other place. It is something like our change houses. When we first put in the shower baths 15 or 20 per cent of the men would use them. We have kept insisting all the time that they use them more until now a great large proportion of them use these shower baths and change properly and avoid pneumonia troubles. We have probably received more compliments from the families from a good many of these men than from anybody else in the equipping the change houses. Men would go, for instance, to the boarding houses and such places with their old clothes. They are a nuisance and an odor from them, etc. Now they can leave them at the mine.

Senator I. A. LEIGHTON. Are all the large mines in Butte equipped with these change houses, as you call them?

A. Nearly so. We have in our properties that we have taken over recently, the Original and the Stewart, which are not very well equipped. They have got change houses there, but there is no shower bath; nothing but a wash pan; but we will correct that as early as possible, because we find it very beneficial to the men.

Representative NELSON STORY, Jr. Did it ever strike you, Mr. Gillie, that some of your drinking-water appliances in the mines are mighty poor as regards the prevention of the spread of consumption?

A. Well, no; for this reason: That, no matter how many tin cups you furnish at the water car or water keg, they disappear, with the result that they are not drinking out of the same cups continually. For instance, contagion can not spread in that way. They take water often in their lunch buckets, take the bucket with them and have their own lunch buckets; take the bucket with them, and they take the top of their own buckets and use it when drinking from these water tanks that we provide.

Representative NELSON STORY, Jr. I noticed some of them, though, just dip the cup down into the tank.

A. We have some that way; and also all of them are provided with a spigot, a valve, for drawing the water from the bottom. I don't think the water conditions can be very much improved now. Everybody drinks out of them. I saw you gentlemen, too. I don't think you have hardly anything to complain of there. We furnish all the ice that is required; and one thing about working in that warmer temperature, ice does not seem to have any deleterious or poor effect on the men. They drink the ice water in unlimited quantities without any bad effects.

These, generally, are explanatory of the condition and what we propose to do. Within the past year and a half, since electric power is in sight in practically unlimited quantities, we can install these fans either above or below ground. You couldn't install such a fan, such as you gentlemen saw there the other day, on the 1,200 of the Pennsylvania, if we had to carry a steam line through there. By carrying power down with wires it is an easy matter, comparatively so, to install any such appliance. With reference to the compressed air, which also was mentioned here, we are much better off than at the smaller properties, or when the properties were in their early stages of development. The nearer you are to a compressor the nearer you are in use of the air to a compressor the poorer the air is, that is, it is saturated or takes up the oil that is used in lubricating the machines, as Mr. Duffy referred to, and if you use the air close to the machine compressing it you get that oiled vapor; if it travels some considerable distance that condenses and it is not given out in vapor. Our compressor plants now are consolidated, that is, furnishing say 20 to 25 of the mines. There are just three or four points the air

has to travel in some instances as much as half a mile; some one or two traveling a mile, to the point of use. This gives the air or puts that air in much better condition; it is not quite as effective for work, because it is cooled off, but it is much better for using and ventilating, and as a matter of fact the use of compressed air, the large amounts that are used there, is a great assistance in reducing the temperature. When you compress air you cause heat; when you expand it again, reduce its pressure, it produces cold very fast, in fact it is one of the means of refrigeration; I have seen in pumps 1,500 feet underground, where we would use air instead of steam, I have seen the exhaust all covered with ice. That is on account of the property of air on expansion causing a reduced temperature. I don't know that there is anything further I wish to say. If there is anything you gentlemen wish to ask, I shall be pleased to answer.

Senator I. A. LEIGHTON. Any questions you gentlemen would like to ask, any member of the committee?

Representative J. C. DUFFY. I would like to ask what is the estimated cost of installing one of those fans such as we saw the other day.

A. You mean the cost of the fan?

Q. And the attachments, everything pertaining thereto?—A. That would depend on how far you have got to carry an electric line; but you can roughly say for $2,000 you can install one of those large fans, and it will take about $225 worth of power per month to run it; some slight attentions, probably three or four days in the month, would be the total attention; and then there is oil and repairs, or renewals.

Representative P. J. DUFFY. There is nobody have to take care of them fans after once installed, only just once in a while, except repairs?

A. He just goes out to see that they are properly lubricated, excepting when the power shuts off, like it did here just now [the electric lights having gone out for a moment]; if we have that occur on our power line, our motor stops and it don't start up again.

Q. Somebody has to go out and start it, nobody has to go out and stay with it—they did for a while?—A. Yes; but they are perfecting them so that they take care of themselves, excepting a trip a day, or something like that. I would state that I have this list of fans which have been installed, if you wish to have them. It shows what we have installed up to January, 1911.

Capacity of ventilating fans now installed, January, 1911.

	Cubic feet per minute.		Cubic feet per minute.
1,200 Pennsylvania	60,000	Green Mountain shaft	54,000
Mitchell shaft	40,000	Parnell shaft	75,000
Gambetta shaft	40,000	Corra shaft	75,000
1,600 Leonard	60,000	Original shaft	50,000
Rarus air shaft	90,000	East Stewart shaft	50,000
1,700 tramway	73,000		
1,200 tramway	50,000	Total	753,000
Gagnon shaft	36,000		

Senator I. A. LEIGHTON. If there are no further questions you can step aside.

Whereupon JOHN D. POPE, called and sworn as a witness, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. John D. Pope.

Q. And your position—what position do you occupy?—A. I am manager of the North Butte Mining Co., in Butte, Mont.

Q. Now, Mr. Pope, I will ask you the same as I did Mr. Gillie; if you have anything that will be of interest to the committee to proceed and tell it. We are looking for information.—A. Well, on the question of ventilation: During the year 1910 we have sunk the Granite Mountain shaft and connected it from the 500, which was the bottom of the shaft, to the 1,800 level. That was an upcast shaft. That gives an extra upcast shaft. Our main hoisting shaft, the Speculator shaft, has been an upcast shaft for several years, and partly because it was not large enough and partly because the cage was running in it we saw the necessity of sinking another shaft so we could connect the Granite Mountain to the 1,800, and during the present year we will connect up to the

2,000. Our air comes down through two shafts; one is the Gem shaft, which in 1909 we sank from the 700 to the 1,600, and the other is the Badger shaft, belonging to the Anaconda Co., which connects with our workings on the 1,800. The committee will probably remember, as they went there, the 1,800—as we approached the Badger shaft the air was very much cooler; going out it was very cool, but going through that large stope the air heats up, although the same air goes from one end of the stope to the other, and the settling ground—the oxidation of the timber—heats the air as it goes through. During this present year we will connect the Gem shaft, which is another downcast from the 1,600, its present bottom, down to the 22, which will give us more cold air on the 22, and these extensions of air shafts, or of others, we will have to sink later on; they will have to be continued continuously; as long as the mine is worked we will have to extend the present air shaft and probably sink new ones. We are working at the present north of our Gem shaft, and as that work is extended north it will need new air connections, and these, of course, we will expect to provide. During the present year, also, we will enlarge both these air shafts, both the Granite Mountain and the Gem shafts; we will bring them up to full size, which will be 5 by 17 in the clear, both of them, and we will probably, as soon as the work is done on the Granite Mountain, install a suction fan at the Granite Mountain shaft. It will be impossible to install this and operate it, of course, while the work in the shaft is going on, because when the fan is installed it will be necessary to box the top of the shaft and take all the air through the fan to get the suction, which suction will reach from the shaft to the fan, and so it will be impossible to install this and operate it while this work is going on in the shaft itself. This work will have to start at the surface, and it will start in the month of February; and it will be necessary to handle the dirt and the men from the surface, and as soon as that work is done—we get below far enough so that the work can be handled from the underground workings—we will install the fan at the Granite Mountain shaft.

The temperature of the stope in the North Butte mine has been very materially decreased in the last three years. The mine, as you perhaps know, is a new one; it was first opened up in 1905, so that for large productions it has been operated, say, from January 1, 1906, or thereabouts, making the mine about five years old altogether. In that time we have opened up two large veins and several small ones, and started at first from the 1,600, where the ore was first discovered; it was necessary to get an air connection from there to the surface besides our hoisting shaft. When I first went there there was no connection—air connections—north of the hoisting shaft at all, and all of our work was done north of the shaft. The mine was developed first on the 1,600, and the only connection was south of the shaft on the 1,600 to the High Ore. Since that time we have made the various connections on the Jessie vein to the surface, including the connection to the Jessie shaft itself, and the deepening of the Gem shaft, which was 700 feet deep, to a depth of 1,600 feet; and lately the volume of air which will get through the main hoisting shaft is insufficient, so that we have taken up the Granite Mountain shaft and extended that down to the 1,800 by means of raises, as that was the quickest and cheapest way of doing it, and now we are going to enlarge that to a full-sized shaft, so that it will take a very much larger volume of air than it is now carrying.

In regard to the sanitary conditions, I don't know that I have anything to add to what Mr. Gillie has just said. He has covered the subject more thoroughly than I could, because they have installed the sanitary cars, which we have not. We have always tried to get the men to use the stopes, because if a man will use the stopes it is covered almost immediately, the waste cars are close behind the stope, and the process of filling is continuous in every stope; the waste is dumped in continuously behind the men as the ore is taken out in front of them, so that I don't think I have detected any odor in the stopes more than a few times in the last five years. Generally speaking, it is covered up immediately. We have also the same trouble that he has in getting the men to use the stopes altogether, and we find it necessary to board up every drift and crosscut which is not actually in use. Of course, if we discover that there is any demand for these cars and the men will use them generally, we won't have the slightest objection to installing them, because the expense is small, they can be looked after very easily by the men on top, it won't be any particular expense, and it won't be very much trouble. But I don't think it will ever be possible to compel all the men to use them. Our

levels are 200 feet apart, which is the usual distance in Butte, and I don't think many of the men will climb down, say, 100 feet to use the car and climb back again. The men on the levels will probably use them. That simply means the men who are doing the development, drivers, loaders, and the station men.

Representative NELSON STORY, Jr. Men working in a stope usually use the stopes anyway?

A. Yes; and I think they will continue to do so.

Q. Your ideas of the tuberculosis situation coincide with Dr. McCarthy's?—A. I did not hear all of Dr. McCarthy's testimony; I just heard the last end of it; but as far as I heard it, they are, generally speaking, the same as his. I know several cases in which men have contracted tuberculosis where I have ascribed it to the effect of the dust, probably in the way he described—not the dust directly, but the dust has caused weakening of the lungs. I haven't noticed any large percentage of the men in Butte being troubled that way, but I know if a man works in the dust too long he wants to get out of it. That is, perhaps, especially true in upraise work, because the dust in drilling is always falling on the men and it is much harder for them to keep out of it than when working on the sills. The increased ventilation will not help that condition at all; in fact, the stronger air current you have I think the more dust you will have, because it drives the dust up and will make it fly in the air, but I don't consider that an argument for poor ventilation.

Representative NELSON STORY, Jr. In your opinion, would it be practical to put water into the mines so that they could be sprinkled? Could water be used on those overhead drills?

A. I am not sure whether you could use them in the upraises or not. I think that can be very easily avoided though if a man will wear a wet sponge. I have tried to get men to do that with very small success, because it is not a comfortable thing to wear. I know when I worked in a dry mill I used to wear a sponge all the time and it wasn't comfortable. I didn't feel like working very hard with a wet sponge strapped in front of my face, but I used to do it just the same, because the dust was so thick that I had to. The dust is very largely in the manways.

Representative NELSON STORY, Jr. I noticed that.

Q. And mostly in the manways—that is, the completed manways—I mean the manways where the men are not working—in some places where they have to travel to and from, going and coming from work, and it comes very largely from the ore being passed through the chutes. We have cleaned them down in several cases and we find that it is a continuous process and have to keep cleaning them, and even then the dust keeps collecting. It is very easily stirred up; it is very light and, generally speaking, the manways with the strongest drafts are the dustiest.

Senator J. C. MCCARTHY. How far apart are your air chutes, Mr. Pope?

A. The air shafts, you mean?

Q. The ore chutes in the different levels?—A. In the large ore bodies they are 50 feet apart—50-foot centers. In the small ore bodies they are 40-foot centers.

Q. About what is the average length of the levels? How far will the sill floor extend?—A. Well, it is apt to extend a half a mile. Most of them, of course, do not extend that far, but we have some that are approximately half a mile long. There are various drifts running from those crosscuts there in various directions.

Q. Would there be any particular disadvantage to the company in allowing a certain amount of rock to remain into two or three of the lowest air chutes in the different levels?—A. Why, in most cases I should imagine not. It would be a very hard thing to do though.

Q. You heard Mr. Daly's testimony in which he stated that if ore chutes were kept with a little rock in them and some trapdoor put at the air course, the air would flow along the sill floor continuously where the men are working. Do you think that is practical?—A. I think he has a wrong idea about that. I think it is better to take the air up through the stopes and carry it along the top of the stope where the men are working rather than along the sill. The men on the sill are generally insignificant in number and, generally speaking, the sills are fairly cool, especially where the men are working; but generally the place to get the air is up in the stope itself, because most of the men are working there, and I think it is better to carry it up in the stope and carry it along the stope where the men are working.

Q. You understand that when two or three ore chutes next to the air course are opened, all the air will flow up to those chutes, and the men working inside

of them will not have any air at all?—A. Well, that is true, too; that is, it is not strictly true. Of course, the air wil divide to a certain extent; the air is of much larger amount than one manway will ordinarily carry, but I think it is better to take the air up to the stope and run it along the level and allowing it to go up to the far end——

Q. It comes back over the entire stope, does it not?—A. Yes, but it has to make a double circuit to do it, while, if it goes up to the near end and travels along the stope—goes up the other end—it makes simply the one circuit; it does not have to make the complete circuit of the stope; in on the level, where you take it up and then take it along the stope, it will only have to travel once—the distance—the distance once; of course the conditions in ventilation necessarily change as the stope advances and gets higher. In opening up the sill, when the stope is close to the sill, it is better to take it into the sill first and then back, gradually ascending as it comes back, but when the stope is advanced, as most of our stopes happen to be at present,it is better to take up the nearest manway and take it through the back, where the men are working, and then carry it along the far end.

Q. Would you mind drawing me a diagram of one of those stopes you speak of? [Witness complies.]

(Witness excused.)

Senator J. C. McCarthy. I move that we adjourn.

(The motion receiving a second was, on vote, unanimously carried.)

Senator I. C. Leighton. Gentlemen, we will meet here again to-morrow night at 7.30 o'clock.

February 1, 1911.

The committee met at the call of the chairman at the courthouse in Helena, on February 1, 1911, at 7.30 o'clock p. m.

Present: Senators I. A. Leighton (chairman), W. E. Christopher, J. C. McCarthy, C. P. Tooley, and J. E. Leary; also, Representatives P. J. Duffy, J. C. Duffy, Nelson Story, jr., and Marcus Hewett.

Senator I. A. Leighton. Gentlemen, if there are no objections, Mr. McQuire, who was on the stand last night has asked me to allow him to go onto the stand to-night for a short time.

Senator C. P. Tooley. I move you, Mr. Chairman, that he be allowed to testify again.

(Whereupon the motion was duly seconded and carried. Whereupon Mr. McQuire testified as follows:)

Senator I. A. Leighton. I have no questions to ask you. You asked to return to the witness chair; there is something that you want to say; you can proceed.

A. Well, last night I was asked to explain if I had——

Senator I. A. Leighton. In order that Representative Hewett will understand it, I will state to you, Mr. Hewett, that Mr. McQuire was on the witness stand last night, and he requests to return to the witness chair, as he wants to make a statement. I don't know whether it is for a correction or what, but he is not a regular witness, he is just given permission to return to the stand. You can proceed now, Mr. McQuire.

A. Well, I was asked last night if I had any way or means—knew any way of ventilating these here mines in a practical manner or proper manner.

Senator I. A. Leighton. You were asked the question, have you any suggestions to offer as to how the present conditions could be improved. That is the question that you want to answer.

A. Yes, sir.

Q. All right.—A. Well, I have. If they would only put in a continuous air course, as they have many of them to-day; if they will put in trap doors enough to keep them continuous with the workings that they are working, and on top on the Bell & Diamond Mine they represent just one shaft. Now, they are installing fans, and I believe they intend to install fans in this mine particularly—have two suction fans from this Diamond mine.

Q. You have reference to the Diamond mine—A. Diamond and Bell; all their ores go from the top level, represents the Bell, and the bottom level represents the Diamond. They have a fan on top of the Corra Mine, a suction fan, supposed to pull 280 cubic feet a minute, by the mine inspector's report, and also the same on top of the Parnell. Now, the Parnell is connected on the 1,000, on the south side of the Diamond, or the Bell, as you call them; the Corra is connected on the 2,200 on the north side of the Diamond, and for the want of putting in a few doors here and there, as they should ought to have; on every chute or every manway, and places they should ought to have

them on the main air course and turn the air up on their sill just wherever it is needed, they are not there. Now, the air will go straight down the Diamond shaft, and part of this air, I couldn't say how much, because it makes its own split, will go to the Corra shaft and straight up when it travels under some of the stopes, and where it is a suction in places, to have every manway and chute is left open, and there is no door to make the continuous air courses as they should ought to be. The other course of the air will go over to the Parnell, principally, the same way, and up the shaft, up the Parnell shaft, to the fan. Now, if there was doors on each and every level to carry this air on the south side of the shaft to the 2,200-foot level, and carry it from there into the stopes, and continue from the stope, or to the breast of the sill, I should say, continue on up over to the next level until they get to the 2,200 level, they have got raises, all kinds of them, from level to level, lots of them, if they would put in these doors they would have continuous air courses; when they carry it back up to the 1,000-foot level they could turn the air into the outlet or leave it go to the surface. If it was necessary, if they had levels working up there, they could carry it above this outlet and then back up to this level to this fan and up the Parnell shaft, but it seems they lack the experience of doing so, or else they don't want to use the little lumber to make a door and the labor to put it on. Now, I have got a map drawed out here, and I believe there is men on this here committee that understand this here map, and if they want to have it I will give it to them, or I will explain it to them.

Representative NELSON STORY, Jr. I would suggest that Mr. McQuire explain to the committee; he showed it to me a while ago, and you can understand it very readily by following it on his map here.

Senator C. P. TOOLEY. I would suggest that it be left here with the committee as an exhibit.

Senator I. A. LEIGHTON. That would be better, I would think, to leave the map with the committee so that they can go over it.

Representative NELSON STORY, Jr. Senator McCarthy is also familiar with that map.

The WITNESS. There is a little more I would like to say that I have got on this map that I didn't explain; there is places in here, it may be 15 or 20; it may be 50 feet, and it may be possibly 100 feet, that ore is not in paying quantities, and they will leave in a pillar between the stope and another body of ore that they run into, if they continue along, that is in paying values, and they will start to work this place without a raise, no possible show for air, to get it in there, or out of it; there is a possibility of getting it in if it was put in, no possible show for it to get out; they have no continuous air course; whereas with a few hundred dollars it would give them an inlet and an outlet, but it seems that they don't want to expend that money in a place of that kind; that is mostly the cause of killing the miners off to-day in Butte than any other cause.

Senator I. A. LEIGHTON. In what way do you mean in killing them off?

A. He has got no air in there; it is just the same principle nearly as locking a man in an ice box; he has got nothing there to live on, with the exception of compressed air; they run a 2 or 3 inch line, whichever is running in there to run the machinery; and I don't believe in them places, if it was not for compressed air, that a candle would burn.

Senator J. C. MCCARTHY. I would like to ask you where you would suggest placing the door. I ask the question for the purpose of getting it into the record. Just refer to that map now and say where you would place the door so that the air course would be continuous and give the best results?

A. I will make a continuous air course on there, if you wish to have it made, I will mark every place.

Q. Just explain it, if you will, naming the levels on which you would place the doors?—A. In each and every one of the top levels I would have to have a door on a down-cast shaft, for the working shaft is a down-cast shaft; I would have to have a door on each and every top of them; the bottom level would get the first of the air, it doesn't matter how deep it is, whether it is twenty-two, ten or twelve, or twenty-eight, as I have worked on the twenty-eight of the diamond myself, and you will leave the bottom level open, so you will have to have a door on each and every level from the surface until you come to your lowest level, and you leave it open to make your continuous air course.

Q. And, in addition to that, would you advise placing your trapdoors in your various manways?—A. I would advise trapdoors in pretty near every manway

in the mines only where I have to continue my air course, whichever way it would come. Various ways of doing these things when you go to do them yourself. You will carry your air in on the sill, just as Mr. Daly drawed out that there program on the blackboard there, carry it on the sill and bring it up onto the first floor and then onto the stope.

Representative NELSON STORY, Jr. Then would you need trapdoors in your sills, would you?

A. Not and continue in the way it was made.

Q. On your map over there?—A. On my map I would.

Representative J. C. DUFFY. I would suggest that this map be handed the chairman as an exhibit.

Senator I. A. LEIGHTON. You will kindly leave your map with the committee. Have you anything further that you would like to offer?

A. No; I have nothing further.

(Witness excused.)

Whereupon DR. F. McGINN, a witness, called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. Edward F. McGinn.

Q. And where do you reside?—A. Butte, Mont.

Q. You are a physician and surgeon?—A. I am a physician and surgeon.

Q. How long have you resided in Butte?—A. About six years.

Q. Dr. McGinn, in your practice up there you have had something to do with the so-called miner's consumption.—A. I have.

Q. Doctor, I wish that you would use the simplest terms possible, so that not only those who don't belong to our profession can understand better, and I wish you would go on and explain the conditions that you found the lungs in, and your ideas as to the cause of this so-called miner's consumption.—A. Well, in the first place, I would like to state that the consumption that we get is not a miner's consumption in the true sense of the word. We have really no such thing as a miner's consumption. We have what we call a pneumococcus, in other words, a scarification in the lungs, which is the first affection they develop, that affection produced interferes with the amount of air that is being interchanged with the blood in the lungs, and therefore reduces a man's resistance; reduces his vitality, and if he comes in contact with the germ of tuberculosis, he has a prepared field which allows him to contract the disease, which usually runs a rapid course. Now then, consumption, to begin with, is a disease that the majority of the population in the world at some time or other are affected with. The fact that they have good conditions, plenty of fresh air, and plenty of sunlight, and plenty of food, also plenty of rest, allows the majority of them to overcome the effect of the disease and thereby get well. Those that have not quite that amount of resistance go on as mild tubercular cases. I merely explain this to show that we get all degrees of the disease. Now, we will say that consumption is primarily a condition due to confinement, and the affection of the germ is in some part of the body, usually the lungs. Now I think that is a fair explanation of it, unless you want something else.

Q. Doctor, in the autopsy—I suppose you have held a number of them, by the way?—A. Yes, sir.

Q. Did you find a large amount of the deposits of this fine dust that naturally arises from the process of mining deposited in the lungs?—A. We find in the autopsies, on people that have been working in mines, driving coal wagons, and doing work in which they will come in contact with a large amount of dust, we find the lungs much darker, much less resistant, and more scarified than we do in those people who are not following such occupation. Take the lungs of a young person, you will find a light, clear-colored lung. Take the lung of a man who has worked under ground for years, in the dust, you will find a darker colored lung, very much thicker and hardened lung, and a lung in which the air spaces are limited. In regard to the type of the dust, we get a great many different types, and I have not gone into the question in regard to the type of dust, because I never felt it was necessary. I presume on analysis, though, we could tell what type of dust it was and what it comes from. The fact of the dust being there, the fact of the irritation of the lung prepared the field for the tubercular germ. A man's age is another question that would have to be taken into consideration; a man that has worked for years at the mine has reached a stage where treatment for tuberculosis will be less successful.

Q. In your opinion, Doctor, do the miners contract tuberculosis after they go into the mines in Butte?—A. I think they go into the mines as healthy men—the majority of them; they may have some tubercular germs, but they prepare the field for the tubercular germ in their work.

Q. Just explain that statement.—A. I mean, by preparing the field, that a man goes in there with a lung that is very good, and that takes in a normal amount of air; that after he has worked for years in the dust the lungs have become hardened, and they become irritated until the lung tissue has been replaced in a large amount by scar tissue. Then, there is not a sufficient amount of oxidation taking place, his resistance is lowered, and if he comes in contact with the tubercular germ, irrespective of whether he gets it underground, or whether he gets it in the house in which he is living, which is very possible in Butte, he will gradually die of the disease.

Q. Doctor, if I understand you correctly, the man who is afflicted with this so-called miner's consumption, it was in his system when he came there, when he started in to work in those mines?—A. It was either in his system when he came there, or the preparation of the field by lowering his resistance has allowed him to contract, or rather assimilate the germ and he is unable to throw it off. I don't like to say that it was in his system when he went there, because it is an impossibility to tell that.

Q. What have you to say, Doctor, in regard to this enormous amount of dust deposit that you found in the lungs in holding your autopsies, as to the cause of it producing consumption?—A. I would say that the dust and the irritation of the lungs prepares the field in such a manner that the minute the man comes in contact with the tubercular germ he assimilates the germ, and therefore he is a good subject for tuberculosis. I would say that tuberculosis is a disease which is generally conceded to be due to poor air, poor food, confinement, and lack of rest; it is essentially a house disease; that is, a disease that is not contracted by being out of doors in the fresh air.

Q. It is a germ disease, is it not?—A. It is a germ disease; yes, sir; but the field must be prepared for the germ; a person's resistance must be lowered.

Q. For the germ to develop, you mean?—A. For the germ to develop and make its advances.

Senator I. A. LEIGHTON. Are there any questions that any member of the committee would like to ask the doctor?

Representative NELSON STORY, Jr. In his testimony last night Dr. McCarthy said that tuberculosis could not happen without the tubercular bacillus?

A. That is true. The name itself is taken from the bacillus. With the tubercular bacillus we would have this condition that I mentioned first. We were speaking of the miner; he works a long time in the mine; he would have a scarification of the lungs; in other words, pneumococcus; in that way if the man did not develop tuberculosis, it would be only on account of the fact that he did not have the germ in his system or he did not come in contact with it. If he picked up the germ, he would die rapidly with it. In that condition he would have an impaired breathing space and an impaired circulation and a disturbed heart. That would refer to active cases of tuberculosis. Take a man who is expectorating, and bringing the germ in his sputum, he is in a condition to spread the disease; and once in the mine or in his house—the general majority of the men in Butte rent their houses, live in a small house. They are not ventilated as they should be. A good many of them leave that house and go into another and leave an infected house. Another man will move into that house, apparently perfectly sound. He sleeps in that house, the windows are closed and the doors are closed and breathes these germs that have been expectorated on the window sills and walks, and he becomes afflicted with tuberculosis. The same thing can occur in the mine. Coming down to a question of examination, first with a tuberculin test, we would find the majority of the men up to the age of 30, they would give a positive reaction; they would be tubercular subjects; they would be liable to the germ, or would have had it some time or other in their system, although it might not be active. It would hardly be fair to exclude those men from the mines, for you would be excluding the majority of the workingmen to-day. The ones in the active state should certainly be excluded; should be put in institutions and treated for tuberculosis.

Representative P. J. DUFFY. Doctor, what effect has hot smoke and gases on the lungs?

A. It has the same effect as the dust we have been speaking about or any other irritant. It irritates the lungs, and in that way gradually reduces the resistance of the lungs. The man is not going to breathe any more of that

smoke than he can; therefore he will not dilate all the air space of the lung. and part of the lung will become inactive, will become scarified, and those portions of the lung will leave a field for the tubercular bacillus, if he comes in contact with it.

Q. It will not kill?—A. Kill what?

Q. Smoke and gas. Will it kill, enough of it, or have they got to have this tubercular bacillus?—A. You mean will kill this tubercular bacillus?

Q. Yes.—A. No; the smoke and gas of sufficient strength to kill a tubercular bacillus will be of sufficient strength to kill the patient.

Senator I. A. LEIGHTON. Doctor, I am not sure whether I asked you this question or not. If I have not, I would like for you to explain to the committee—explain to them the condition that you found the lungs in where you have held a post-mortem or autopsies?

Representative NELSON STORY, Jr. I think that is the first question you asked him?

A. Yes; I believe I answered that. I spoke of the lung as being scarified.

Q. Dr. McCarthy spoke last night, in describing it, of some very dark spots?—A. Well, we get dark spots in the lungs of a person, especially if the person—for that matter, who has lived in a large city, breathing the smoke and dirt of a city, you will find the lungs dark, and you will find in the lungs, and the lungs of a patient who has died of tuberculosis—it depends entirely upon the type of the lesion that you find the lung in; that is, the appearance of the lung. But this so-called miner's consumption, as I said before, you have, first, the lack of air space; the air space has been reduced and scarified until it has contracted; and we have the discoloration, the appearance of dust deposits in the lungs; we may have calcareous deposits due to the tubercular bacillus; we may have a small miliary type, which may have got in there the size of a millet seed; we may have those all over the lungs. But the main point of these cases which we get after working in the mines, the fact that the lung space is limited, contracted, and the tubercular coming on them, on the limited air space, is practically sure death, because we have a circulatory disturbance with it.

Representative NELSON STORY, Jr. Then an abundance of fresh air would mitigate against the condition to some extent, would it not?

A. To some extent; yes, sir.

Q. I asked Dr. McCarthy last night if he were in power to stamp out tuberculosis in the city of Butte, what would be the first step he would take. What would be your first step?—A. The first step to stamp out tuberculosis in Butte would be to insist upon reports to the health officer of all tubercular cases, tubercular houses in which people have died or have lived with tuberculosis; to furnish the people with an abundance of fresh air, sunshine, good food, plenty of rest, and keep the tubercular patient in such a manner that there would be no chance for the people not affected with tuberculosis coming in contact with a tubercular germ.

Q. That would necessitate more or less of a quarantine?—A. It would in a way necessitate a quarantine, but not a true quarantine; but, as I said before, the majority of the people in the United States—in fact, the majority of the white race—at some time in their lives have shown signs of it. If we started in with a perfect quarantine we would probably have to quarantine almost the whole white race. The only cases that should be handled should be the active cases of tuberculosis, those that are coughing and expectorating the germs; those are the only ones that should be handled in that manner. I believe if we started to stamp out tuberculosis in Butte we would not only have to look for fresh air but we would also have to improve their condition out of mines, and we would have to keep the active tubercular cases out of the mines and away from the others as much as possible.

Q. Your idea is, then, that a sanitarium or a hospital in which these active cases could be sent is an imperative necessity?—A. Yes, sir; that would be my idea; that we have sanitariums in which they would get the open-air treatment; that treatment has been used since 1896, first started in Switzerland, and has been a very successful treatment.

Senator I. A. LEIGHTON. Any further questions to ask the doctor?

Representative P. J. DUFFY. Has poor sanitary conditions got anything to do with the breaking down of the miner in Butte?

A. Poor sanitary conditions, taken all the way through, is practically the real cause of a man's contracting tuberculosis; poor sanitation causes tuberculosis.

Senator I. A. LEIGHTON. Do you mean to say that the insanitary conditions produced the germ?

A. No; it prepares the field for the germs.

Q. It develops the germ, in other words?—A. It prepares the field so that a man himself coming in contact with the germ can not throw it off, can not hold it in an inactive state.

Senator I. A. LEIGHTON. Any further questions to ask the witness; any member of the committee would like to ask any further questions?

(Witness excused.)

Whereupon Dr. T. J. MURRAY, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name, Doctor?—A. Dr. T. J. Murray; live in Butte.

Q. How long have you resided there?—A. I went there in 1885, and I have been practicing there ever since.

Q. 1885?—A. Yes, sir.

Q. And, Doctor, you have had considerable to do, I suppose, with this so-called miner's consumption?—A. Yes, sir. We have been treating those cases. I have been running a hospital for a great part of this time, and we are treating them—some of them—all the time. A man in general work naturally comes in contact with them.

Q. Have you ever held an autopsy on these cases?—A. Yes; I have seen autopsies performed. As I understand it, this committee is trying to investigate the conditions in Butte of the mines, and other conditions, or of the conditions that affect the miners, or people that might be diseased; is that the condition of it?

Q. It is to investigate into the sanitary conditions and the condition of ventilation that affects the health, etc., of the miners.—A. And, then, your special efforts are devoted to tuberculosis?

Q. That is what we have been doing.—A. This miner's consumption, as they call it, I think a great many of these cases are not tubercular cases at all. There is a condition there, that Dr. McGinn explained, of the lungs from injuries, such as gas and dust and things of that kind, on account of the injury. Now, when you get consumption, as we understand it, it is tuberculosis. Now, then, these other conditions outside of the infection, it is a special disease. Now, when this patient is affected with that dust, it begins to develop and breaks him down rapidly; it is a special disease, the same as diphtheria, or scarlet fever, but a diphtheria germ will not produce typhoid fever, no more than a typhoid-fever germ will produce diphtheria. Any person coming in contact with these germs—and their condition is such that they will take them up and find a field that they will grow in, the same as corn will grow in Missouri, or wheat will grow in Wisconsin, or anything of that kind. Wherever they get a good field to work in they will develop much more rapidly and grow. That makes the distinction. They are distinct germs. Now, there are a great many conditions there in Butte that predispose to this—that makes it a good field for it. We have got, apparently, a great deal of the miner's consumption, I understand, while I am taking the public term of it; but there are a great many of these men, more than usual. When I went there there were a great number of young men—young people—and these injuries from the dust did not exist so much. The miners' habits in Butte are not good in a great many instances.

Q. Kindly explain those, Doctor, for the interest of the committee.—A. I have had to talk so much to those fellows there. What I mean, they don't take care of themselves, in a certain way; they don't know how to take care of themselves. A great many of them, in the first place, they eat a great deal of very rich food; they live well; a great many of them drink enough, and that doesn't do them very much good; they don't take care of themselves; they don't bathe themselves as much as they ought to; while a great many of them are clean, they are not cleanly. A great many places in Butte—the sanitary condition outside of the mines is not good. The boarding houses and a great many of the houses in Butte have their privies close to the house; and they throw garbage out; they have open privies; there are a great many places of that kind in Butte; it is a breeding place for flies, and the flies are the greatest carriers of the disease we have got.

Q. What is the matter with your health officer over there?—A. Our health officer is a politician.

Q. The same as in Jefferson County, do you mean?—A. Oh, no; it has not been controlled; these conditions have never been controlled. They are much better than they were 25 years ago; very much better since we have got in water in Butte and got a certain amount of sewerage; still we have a great many open privies. It can be remedied a great deal more. However, the conditions are better; quite a number of our people have families that they didn't have 25 years ago; they take better care of their children.

Now, there is one thing, in older communities where people are broken down in years, in older cities like Philadelphia and Boston, where the people are broken down and poorly fed—hard worked and poorly fed, badly housed, brought into poor ventilated rooms, a great many of the children enter these houses. This class of people have tuberculosis, they have hip-joint diseases, spinal diseases and tuberculosis, peritonitis. That you don't see in the region of Butte; it is very rare that you see that. Now, these are all contributory causes that produce, or contribute, to a person that is exposed to tubercular bacillus; they may become affected. While quite a number of these miners have not the tuberculosis at all; for instance, we take a man, a man that comes into a hospital; he has a cough, a bronchial cough; he loses flesh; he does not regain his strength with a certain amount of nutrition, from his food, and we will take that man's sputum and examine it and find no tuberculosis at all, tubercular bacilla; we do that over and over again. I think the conditions outside of the mines probably contribute as much to their poor health, and may be a little more so than the mines.

Q. What is your opinion, Doctor?—A. Yes, sir. The surroundings; you take a great many of these people and they sleep in very small rooms; they are poorly ventilated, and they will use blankets on their beds—not so much now as they did—those blankets are not changed very often. They spit on the floor, the blankets become soiled and they sleep in them. That is a source of infection, that is one of the sources. And then the privies, as I spoke of before, they are another source of infection, and the natural filth around the houses is bad in all communities. I don't know whether it is worse in Butte than in other places, but it is bad there. There is one thing that I have had a theory about in the mines; that we have not been able to demonstrate yet, but I doubt very much that many of these germs will live in the copper mines, especially where there is moisture; the sulphate of copper if it don't kill these germs, it retards them, a great many of them. A few years ago there was thought to be intestinal worms brought over from the miners working in the mines of Germany. I don't think that the miners have ever been infected with them very much in Butte. I think it is owing to the copper water that these germs have passed. They will get in the mine, in the dust, it gets wet, the copper in it retards it. That has not been worked out yet, but it is being worked out, it is being developed. Now, if there is any questions that you want to ask me, I will be pleased to answer.

Senator I. A. LEIGHTON. Any question that any member of this committee would like to ask the doctor?

Representative P. J. DUFFY. The sanitary condition that you spoke of, is outside of the city of Butte, outside of the city limits, is it not?

A. Oh, no; it is right inside the city limits, it is up in that block that I live in, it has got plenty of it in. There is the old Langlois barn, there is small houses back of Langlois's barn that haven't got sewer connections, and there is not a block in town that has not got some of it in.

Q. Isn't Centerville and up that way, worse?—A. No, sir; Centerville is not very much worse because it is drained. Some of these other places are not drained.

Q. Then with poor conditions existing, which are told to exist in the mines, don't you think that helps to break down men?—A. I don't think that that is worked out clear yet. I think that where you have got poor air in the mines, that is a detriment, there is no question about it. If you have got poor air, that is poor sanitation. Now, I don't think that there is any infection that you get from the mines proper; I doubt very much if any of the germs, any disease germs, will live in the Butte mines, in a copper mine, and be active.

Q. The smell of where men have to answer nature's call in stopes, when that has been done don't that help break down the men?—A. Oh, yes; that has got to, if you have got fecal matter; that is, exposed naturally.

Q. You speak of rooms being close, and attribute that partly to the cause. In other mining camps where sheets are not known, they use blankets and comforts exclusive, why is it there is not more consumption prevalent there?—A. Well, I don't know that is the condition.

Q. In Utah, for instance, where bunk houses—rooms as large as this courtroom, bunk houses—one row of men sleeping on the top of another row—you don't hear of conditions there as bad as they are in Butte, do you?—A. Then you probably don't hear. This part is demonstrated beyond a doubt; this tubercular bacillus will, when expectorated, when thrown out any place, it will dry, and the dust will carry them into the people, carry them into any room; wherever we find a field where they get nourishment they will grow. Now, the condition that you speak of, where men are huddled together in that way, in blankets, one man with consumption may infect nearly all these men. That has been demonstrated. That is demonstrated by cows and cattle, where they are crowded together in a warm barn, when they are hot, and one of them is infected, it may infect the whole herd. Now, those things are absolutely worked out, and there is no question about that as a fact. Now, you have got the same conditions that you speak about, huddling these men together on beds, and there is no sheets; but when you make that statement I don't think you are fully advised, because if you were to go down here to your hotel and find a row of beds there, and that a tubercular patient had been sleeping there, and his sputum was around the room, wouldn't you walk the streets, or would you sleep there?

Q. Sheets are unknown in the bunk houses, and you will see men from Butte—leave Butte and go down there for rest, and build up in those places.—A. Do they come back?

Q. Yes.—A. That is not the condition. If I were to run a hospital in that way in Butte the miners would go down there and burn it up, and I wouldn't blame them for doing it, either.

Q. These patients that have such as is termed miners' consumption, you can not receive all of them in your hospital?—A. No, sir; we can not.

Q. Your place is one for injured men, or for men who are hurt, or for fever or pneumonia, such diseases as that?—A. We have a contract, we haven't any contract, but we make a proposition to the miners to take them in, if they pay us a dollar a month for any diseases not arising from vicious or immoral habits; such diseases as scarlet fever, tuberculosis, and infectious disease, smallpox, some of those things the city won't allow us to take. We take care of typhoid fever. We don't let any of these others in when we can avoid it; but, for instance, a man may come in there with a fractured thigh, he has got tuberculosis, and we have got to isolate him, put him in another room; we do that, we keep him separated just as far as we can. We make it pretty broad, we take care of all that we can take care of. I don't think it is safe to put tuberculosis patients near well people.

Q. Then the poor farm is their home?—A. No; I don't think so, I don't think so.

Representative J. C. DUFFY. Do you receive patients from other vocations other than mining?

A. Oh, yes; we do general surgery and do general practice.

Q. Well, as a matter of comparison, such as teamsters, smelter men, when the smelter was running there, brickmakers, or any of the other callings, how do they compare with mining as far as this class of disease is concerned? Did you discover the disease to be as prevalent among other classes as you do among miners?—A. To answer that question intelligently, for the answer to be worth anything, we would have to keep very elaborate statistics of the miners and the others as to their callings, and, another thing about it, we have no means of examining these miners before they go to work, so that we can not tell when their disease began.

Q. Well, approximately?—A. It would be merely a guess, the answer would not be worth anything; I couldn't give you an intelligent answer.

Q. Now, teamsters attract a great deal of dust in the shoveling of these ores, as a rule, don't they?—A. Yes; and a teamster has got other things to contend with. I used to dread to see a teamster come in the hospital. As a rule they take less care of themselves than anybody else, and drink more; they are hard people to handle.

Q. In proportion to the number of teamsters employed as compared to miners, have you noticed as many cases?—A. No; I haven't any statistics, nothing that I could work on to give an intelligent answer to that question.

Q. How is it as to the smelter men?—A. Great many of those men were bothered with lung trouble on account of the gases in the smelter; a great many of the smelter men used to have pneumonia, but as far as comparing it with the tuberculosis of the miners, I don't know.

Q. Have you had many cases, Doctor, from these two callings?—A. That I would have to go to the records and find out. We make a record of a man, where he is working, and his disease. We don't take those up and find out whether so many men were smelter men, or whether so many smelter men have typhoid fever, or whether they have pneumonia, or whether they have had diphtheria, or anything of that kind. We have no record of that kind.

Q. As a matter of observation, you have no line on it at all?—A. I have no line on it.

Representative P. J. DUFFY. There is one more question I would like to ask you. Does a man who is injured with a broken limb in a mine, does that take that man longer to heal than it does from a man who is working outside?

A. Oh, no. A great many of these men are of fine physique and heal very rapidly. Another thing is peculiar about a great many of these people, we get many from the same mine with almost identically the same injuries, they are put in a room, and there may be two or three weeks' difference in the time that the bones will heal.

Representative NELSON STORY, Jr. Does this condition that you described there at first, as not being a true consumption, yield readily to treatment?

A. Oh, no; as it goes on the worse it grows. As Dr. McGinn explained to you, there is a change in the lungs; you have got an injury there from these irritants, such as the smoke and the fine dust, and it changes the whole lung tissue. Lung tissue, when it comes in contact with mucous membrane—that is the lining inside—then you have the work of blood vessels; they run out and catch the air; then you have the cellular tissue; then you have a gland tissue in there; and all this making up the lungs. Now, when you get this, you lessen the functions of these tissues; the blood vessels become contracted; the glands won't do the work; the mucous membrane won't perform its functions; it won't do the work because it is changed, it is a scarred tissue; the circulation is not proper. Now, then, we have all that condition; you have a breathing like a man with asthma; he is short of breath; he feels that he can not get enough air. That throws the work on the heart—extra work on the heart—it throws extra work on the blood vessels, and it is all changed. A great many of these men that you talk about having this miner's consumption, they are not infected at all; it is a change like old age coming on. It will come on all of us if we drink too much and don't take enough exercise in the open air and keep in good condition.

Q. You haven't any idea of the average length of a man's life after he becomes seriously affected with this condition?—A. That is altogether owing to his habits after he gets it. If you will take that man and give him certain kinds of food and a certain amount of exercise and plenty of baths and keep him clean and enough exercise to keep his blood vessels active, he will live much longer than if you overcrowd him. It doesn't make any difference whether you put him in a mine or boarding house, if the conditions are bad, if he becomes infected, it don't make any difference whether it is typhoid fever or not, he will get pneumonia; he will get diphtheria, kidney trouble; he hasn't got the resistance, the resisting forces a young man would or a healthy man would.

Q. Under favorable conditions, would a man in that state be more or less self-supporting?—A. How's that?

Q. I say, under favorable conditions, would a man in that state be more or less self-supporting?—A. Yes; at certain vocations; if he has light work to do out in the open air, with good food. Send him to the seacoast in the winter-time—warm sea air—send him to the mountains in the summer time, and give him plenty of money to spend; keep him in good humor; let him enjoy himself.

Q. Take a man in the incipient stages of consumption, will the disease yield to any treatment?—A. Yes, sir. A great many of those cases that have tubercular deposits in their lungs, it becomes insistent, and he may come around and die from some other disease—from old age, or something of that kind.

Q. What would be your idea of a State sanitarium to take care of those men?—A. There are a great many factors connected with a State institution. The great difficulty with a State instituion is to get men to go to it. That is the first thing to contend with. In the first place, you would have to get a sanitarium that would be attractive; and, in the next place, you have to have a sanitarium big enough to keep these men far enough apart that they would not infect each other. It is a very difficult matter, especially with the old people, it doesn't make any difference whether they are miners or what they are, to get them to quit their habits and get them to leave their families and friends. It

is a very serious proposition. If they get homesick, they are the most miserable creatures you can find.

Q. Then a man's mind is one of the principal factors as to his improvement?—A. I don't think that the mind controls his physical condition, but it is a factor. It would be very difficult for a man to believe he was comfortable if he had to stand with his feet in a bucket of ice water.

There is a great deal of the conditions in Butte that can be bettered, and, as I understand from the owners of the properties and the people who have control of them, they are trying to work that out. They are trying to work out the sanitary conditions and ventilation conditions. The sanitary conditions in Butte, certainly a great many of them can be remedied on the surface; and from what they say about the mines some of them can be remedied, and they are doing it. They are a great deal better now than they were 10 years ago, or 5; 25 years ago we had no hospitals. We have a pathological laboratory, and that is rather an expensive thing; and those are the things where a great many of these things can be worked out; that is a big expense. When I practiced medicine a pathological laboratory was hardly known; that was 30 years ago; and still to-day we can not get along without it; you can not run a hospital successfully—a good hospital—without it. It is a necessary equipment of it—as much so as the instruments or anything else. It is necessary in diagnosis. With that you can take and find out a great many things about the mines. For instance, about these germs, to know whether they will live in this copper water. You will remember that when we had water in Butte that there was a great deal of odor to it, and we didn't know what to do with it. Mr. Carroll worked it out; he took copper in sacks, brought it down in his reservoir at Basin, and that water was purified. There is no question but that a great many of these germs will not live in copper water.

Senator C. P. TOOLEY. Do the mine owners render your hospital moral support?

A. Oh, yes.

Q. They are interested in the welfare of their employees?—A. Yes, sir; not only that, but they are doing a great many things to make it better all the time—both of the hospitals, not only one. For instance, I was down in one of their coal mines; I was with one of the officials of the coal mines, and there is a town above the other there, and there was a defect in the sewerage from the upper town. When he found out the conditions he went to work at it, and has been working at it ever since, but he run up against a politician who was the health officer, and he has got to wait.

Senator C. P. TOOLEY. That is beyond the scope of our investigation.

Dr. T. J. MURRAY. I thought this committee could come pretty near regulating anything; I was in hopes so.

Representative P. J. DUFFY. What is your opinion—how do these flies get in certain portions of the mine?

A. That I don't know anything about. What kind of flies are they?

Q. It is generally understood from the miners that they breed from the insanitary conditions; for instance, a man's deposit in the stope.—A. They have horses and mules in the mines; flies breed a great deal. I don't know what the condition is you speak of, but flies breed a great deal from horse manure; that is where their eggs are deposited and hatched, and it is a great source of their breeding.

Q. Using a miner's phrase, they are commonly known as shit flies?—A. That might apply to horse manure.

Q. It is not very convenient for the horses to get up in these stopes?—A. If there is fecal matter around in the mines, why, it is dangerous.

Senator C. P. TOOLEY. Do you make frequent trips through the mines?

A. No, I don't make frequent trips; I go through occasionally.

Q. Have you ever seen any such flies?—A. No, I never seen the flies; I never seen the flies in the mines.

Senator J. C. MCCARTHY. Do you think that the decaying timber would breed flies?

A. I don't know about that. They couldn't breed those flies there anywhere without they got their eggs deposited in there somewhere.

Representative P. J. DUFFY. Isn't it generally in these places where a man has responded to a call of nature?

A. I think it might be there, but that is something I don't know about.

Q. And it is contended on the part of the majority of the miners that they are injurious to health?—A. I think flies are injurious to health anywhere;

they carry more disease than anything else. You see, they light everywhere, they fly around these houses where they have open privies, or where they have a case of typhoid fever, and they will throw their excrement out, the flies light on it, carry it right back, and carry it right to another house. They carry typhoid; they carry diphtheria; they carry nearly everything. Of course there are other means by which it can be carried.

Senator I. A. LEIGHTON. You stated that you went down the mines occasionally—that is, once in a while?

A. Yes, sir.

Q. How recent has been your last visit?—A. It has been a year since I was down there; I have not been down in a mine for a year.

Q. What did you notice at that time as to the sanitary conditions, whether they had improved or otherwise?—A. That I don't know, because they would probably take me down in a place that was not very bad; I would go through and see some of the ore and hear these men talk about it, and see how they were doing the work, and see the size of the stope.

Q. They don't have near as many cases of pneumonia in Butte as they used to?—A. No; not near so much.

Q. What do you understand the reason of that is? Is it the improvement of the general conditions?—A. I think the sanitary conditions are better. When we had our great amount of pneumonia there it was about 15 or 16 years ago—we had the grippe—it was the year we had a great deal of grippe, and quite a number of the miners that were sick caught pneumonia; then they would go out on the flat to these funerals, and it was owing to the exposure of these parties; at the same time we had fumes from the smelter. We have less pneumonia and have less typhoid fever now.

Q. And, Doctor, is it your opinion that if the sanitary conditions or the insanitary conditions of the city, aside from the mines, was looked after that it would lessen the number of tubercular cases that they now have?—A. I think that it will lessen all the diseases that we have, especially typhoid fever, and it will lessen any infectious diseases; it will lessen a great deal of it. You can understand that if a case of smallpox is reported everybody is afraid of it, and they want to get away from it as soon as they can, but they pay very little attention to a case of typhoid fever, and that is much more dangerous, a great deal more dangerous, than the smallpox. We had last spring, I think it was six or eight cases of typhoid fever from one boarding house, and uopn investigation all we could find was a filthy boarding house.

Q. Filthy boarding house?—A. That was all; throwed the slops right out the door and let them lay there.

Q. I presume that was reported to the health officer?—A. Yes; we reported it.

Q. That is all the good it did?—A. We reported it.

Q. He is a politician, you say?—A. (No answer.)

(Witness excused.)

Senator I. A. LEIGHTON. I will ask the State mining inspector to take the stand.

Whereupon WILLIAM WALSH, a witness called and sworn, testified as follows:

By Senator I. A. LEIGHTON:

Q. Your name?—A. William Walsh.

Q. Where do you reside?—A. Helena.

Q. What is your occupation?—A. State mine inspector.

Q. How long have you filled that position?—A. Six years; will be six years the 4th of March.

Q. I don't know that I have any questions that I care to ask the mine inspector. I will turn him over to the committee.

Senator C. P. TOOLEY. He might in a general way state the conditions in Butte.

Senator I. A. LEIGHTON. Yes; he might state.

Senator C. P. TOOLEY. In story form.

Senator I. A. LEIGHTON. You may go on, Mr. Walsh, if you have any information that you can give the committee; the general conditions in Butte; the general conditions in Butte.

Representative J. C. DUFFY. I would say in connection with that, any recommendations to the committee as well.

Mr. WALSH. I will state that there are conditions in some of the mines in Butte that have been noticeably improved in the last two or three years, while there are conditions in other mines that are worse than they were five or six years ago. That is in regards to ventilation and sanitation. There are a great many of the mines that have installed mechanical means to assist the natural means of ventilation. That is, by installing electric fans, and opening up several air courses, in order that the air may be taken into portions of stopes that they are operating in. There are a great many of the mines that still stick with the natural means of ventilation. In the first place, they have not got the proper openings to create the amount of air required into the mine to supply the different portions of the mine where men are at work. And my idea to overcome certain parts of the conditions would be to open up larger air courses and carry them to the extreme bottom level of the mine, keep the air as low as the working portion of the mine, and distribute it from there, or distribute to any level that they would need it by the use of air doors, and stoppings of any kind, that they may place in drifts or openings of any kind on the regular course of the air. In the mines in Butte several of them have adopted the system of fans and stoppings and doors and levels to systematize the air, and keep it in motion. The conditions have been improved.

Senator J. C. MCCARTHY. Have you, in your official capacity as mine inspector, ever received any complaint from the Butte miners' union as to bad conditions in Butte?

A. Not officially; no, sir.

Q. Have you received any complaint from individuals, any written complaint?—A. Written complaints—no, sir.

Q. Under the law are you required to keep written complaints as secret in the office?—A. I keep them on file if I receive them.

Q. Does the law specifically provide that provision?—A. It does; yes, sir.

Q. Then any miner in Butte making a complaint to you, he would have the assurance that his complaint would be a secret to the office?—A. Yes, sir.

Q. What authority have you to enforce any better regulations in the Butte mines?—A. I have not had any under the law.

Q. Have you made any recommendations to the Butte mine owners as to how their properties could be bettered?—A. I have, every time I made an inspection. I have always recommended and suggested some of them. Some of them have been carried out. I remember five years ago, I believe it was, or five years ago last spring on my visit to the Gray Rock there. I believe that was the worst mine I ever came in contact with in the Butte district at that time, and I suggested several changes and recommendations to the foreman, who was Mr. Emerson at that time. I found men working in places that reached above ninety, between ninety and one hundred, and where a candle would not burn and hold it in a standing position; in order that the light might burn you would have to turn it on the side, so that the grease or tallow from the candle would run on the wick and cause the flame to burn, and I recommended to him that a certain crosscut be driven a certain distance where an air course could be tapped. And from there the air could cause a circulation; it would cause a circulation from the lower portion of the mine on what we termed the still floor; take the air from the air course up through this stope and out through this crosscut, and strike the main air course to surface, and the air would always be in motion; he didn't do that, and I made a trip to that same particular mine, I think it was five months later, and I still insisted that he make those changes. It was a very short time after I made the second inspection he was fired, or at least——

Q. Resigned, maybe——A. He resigned and a man by the name of William Daly got his place. I made a tour of inspection with Daly, and we came to the conclusion that the best method and course to pursue—I laid down my idea and he laid down his idea—so we came to the conclusion and he worked it out, and some nine months from that day the superintendent told me that they were extracting ore from the Gray Rock mine 35 cents cheaper a ton than they could under Emerson's time. I said: "What has brought about the change?" He said: "The ventilation that Daly had brought to the portion of the stope where men couldn't work."

Q. How many tons of ore per day do they hoist from the Gray Rock?—A. Oh, it is not a very large property; I believe seven or eight hundred tons in 24 hours; something like that.

Q. That would mean a saving of $250 a day then?—A. And after driving this crosscut north it tapped what we call the Corra mine. Then to connect—to ventilate the lower portion of the mine—we tapped several raises, made con-

nections from one level to another in order that the air might circulate. He placed a fan on this Corra shaft, which assisted the natural means of ventilation and caused a suction, and there is not—I don't know that there is a place in that mine to-day that a man could kick to work in; I don't know of any. While there are some places that are a little warm, it is an utter impossibility to make every portion of a metalliferous mine as men would want it.

Q. Through visits of inspection to the Butte mines do you carry a thermometer?—A. Well, not very often; I have at times.

Q. Do you know if the fans that are now installed in the Butte mines are placed on main air courses where they can get an abundance of fresh air?—A. Well, mostly all of them.

Q. In which of the mines did you notice the conditions had improved? Can you give the names?—A. Well, the Gray Rock; the Original has improved a great deal the last six months or a year; the East and West Colusias and the Leonard, and also the Pennsylvania; and the Diamond has improved somewhat.

Q. In which of the mines have the conditions grown worse?—A. Well, I believe there are—I found conditions in the Mountain Con mine, while I couldn't say that they are worse, but they are as bad as they were.

Q. In other words, the conditions have not improved?—A. Have not improved; no, sir.

Q. How about the North Butte property?—A. Well, that is a property that has not improved. In some portions of it air has improved a little in the last year. I believe since there has been several air courses tapped it has improved a little; it has improved conditions close to the air course, but you get off the air course and conditions are practically the same.

Q. I have not been able to read your report; I have not had the time. In your report to the governor do you mention any specific instances of where improvements could be made in any particular mine, or do you simply dwell on general conditions?—A. I report on general conditions. I never report the conditions of any particular mine.

Q. Well, would the same recommendation govern in all cases in the Butte mines?—A. The same conditions——

Q. Recommendations, the same recommendations; in other words, would a general recommendation touch every particular property where men are employed at the present time?—A. Well, yes; in a way it would.

Q. Have you any suggestions to offer as to the bettering of conditions in the Butte properties as to ventilation and sanitation?—A. Well, now as to the matter of sanitation, that is one of the easiest and simplest things that I know of. To better the sanitary conditions the solution is to take the offals—which I don't think it would take any great argument to satisfy any reasonable man—where there are seven or eight hundred men underground every day in the year, more or less, and nature's calls are all deposited below, and where there are a certain amount of decayed timbers, causing heat, and the heat and the oxidation in the mineral in the ground itself, which causes heat, and all this mixture—I believe that is all that it is necessary to state that something should be done in a sanitary way. You take, for instance, in comparison—you take a little band of soldiers, put them out here on the plain where they have the canopy of heaven to carry off everything, and let them do as the miners do underground—pass it off anywhere they happen to light, and do that around their camp and camp there for five months, what would be the condition of that camp?

Q. That is not exactly a parallel case.—A. That is just a comparison I drew.

Q. Because such a camp as you have described is not being covered over all the time, such as the stopes are in Butte. The surface where those obnoxious deposits are placed are not being covered over like those stopes are in Butte.—A. Well, the solution of the sanitary question, in my opinion, the only solution is the sanitary car, which can be built—there is not a mine in Butte that I know of that has not trucks of cars that are still strong enough to be replaced for that purpose. Take the old mine car, line the old box—that is, the bottom of the car—with a heavy sheet iron or light steel, make it air tight; make a regular privy cover on that that will clasp tight; two stools on there where two men can approach the car at once, at one time together; put lids on them just the same way as you would have them in any of your toilets, only have it iron, so that when it goes down it will strike on a rubber band, the suction will hold it tight. This mine car, when the time comes to run to the surface, they could go right out on the track and on the cage, taken to surface, and a hose turned in; it can be cleaned and disinfected in that way. All they have to

do is to throw a small portion of chloride of lime in them and seal them up. Put one on each level in every mine; it will settle the sanitary condition to some extent.

Q. I would like to ask you how many times you visited the Butte mines per year, or your deputy?—A. Well, I make a trip every year; some of the time twice a year. How many trips my deputy makes—he is called pretty often in places.

Q. Are you compelled to make regular examinations at stated periods?—A. Yes, sir.

Q. In all the working places in the mine?—A. All the working places.

Q. That is an annual inspection?—A. Yes, sir.

Q. And in all that time that you have been the mine inspector you have received no written complaint from any member of the Butte miners' union?—A. No, sir; to the best of my recollection I never have.

Q. Just simply verbal complaints is all that you have received?—A. Oh, just meeting the miners when I would go to Butte, or they might just have a conversation, one or two togeher, something like that, and make some remark of how a certain stope in a certain mine or conditions in this mine or that mine, generally in an off-hand way.

Q. If written complaints had been made to you would you feel compelled to examine the places where the complaint was made—would you feel in duty bound to inspect it?—A. Well, other than sanitation or ventilation, yes. But for those two particular things a second inspection I never thought was required, because I didn't have any authority under the law to enforce anything; the law does not touch on that; there is nothing governing sanitation or ventilation at all.

Senator C. P. Tooley. What is the law specific on, Mr. Walsh?

A. Well, the safety of mines, timbering, and escapes—general safety of the miners.

Senator I. A. Leighton. From accident, do you mean?

A. From accidents—general safety.

Q. And it does not touch upon sanitation or ventilation?—A. No, sir.

Q. Then, if written complaint should have come in from the miners' union to you you would have no power under the law to correct these conditions?—A. Other than I suggested, if the management would say the conditions were not as represented, or were fairly good, why, my authority ceases.

Q. And did I understand you to say that it would not be your duty to investigate those matters, if a written complaint had come in pertaining to sanitation and ventilation? In other words, it is not a part of your duties to look after that part.—A. It is my duty, to a certain extent; but to force anyone to remedy it, why, I don't know that I could do it. I didn't have the authority under the law.

Q. Well, why would it be your duty, if you are not clothed with authority to correct?—A. Well, we do a great deal by suggesting governing things that the law does not touch on in a general way. Of course, if I can see in any particular mine where the lives of the men are endangered or can prove that the health of the miners is jeopardized in any way, why, I believe I have got a certain amount of authority, while it is not specific in the law.

Representative Nelson Story, Jr. What changes would you suggest in the law at present to make your office as effective as it ought to be?

A. I would ask that a law be enacted governing ventilation and sanitation to some extent—lay down some rules governing the conditions.

Q. Could you, with your experience, give this committee intelligent lines upon which to draft some legislation—some proposed legislation?—A. Well, I could give them an idea—set forth an idea—that would better conditions.

Q. And would you suggest any effective way of putting it in operation?—A. Well, the same conditions don't exist in all mines. A remedy that will better the conditions in one mine may not be effective in another. Some mines you can bring to a fairly good condition—bring about a fairly good condition in regard to ventilation by natural ventilation, but others would have to be assisted by mechanical means in order to better the condition. It is a great deal more difficult to ventilate metalliferous mines than it is coal mines.

Q. But you think a general law could be drafted that would help cover most of the cases?—A. Well, a general law might be drafted that would help remedy the conditions.

Q. And if its enforcement was left largely to the discretion of the mine inspector and he was empowered to see that it was put in force, do you think

that conditions could be vastly improved?—A. Well, any law that is enacted governing the conditions in a mine is left entirely to the discretion of the mine inspector. He is the only man in the world that would have the authority to enforce.

Representative NELSON STORY, Jr. Well, that was my idea.

Senator J. C. MCCARTHY. Can you state, Mr. Walsh, from your knowledge whether or not conditions have improved during your term of office in the Butte mines?

A. Well, as I say, in some of them; in some of them they have not.

Q. I mean speaking as a whole.—A. Well, in a great many of the mines the conditions are noticeably improved in places, while in several of those mines where the conditions in part of the mine have been improved, there are portions of the mine still remaining in the same condition—bad.

Representative J. C. DUFFY. Do you consider mining as carried on in Butte, in hot places, as a healthy occupation?

A. Well, I wouldn't say that it is.

Q. Do you believe that the longer number of hours that a man works in those places the more injurious 't is to his health?—A. Well, he would be better off not to have to work in them at all.

Q. Do you believe that a shorter day would improve the conditions any?—A. Shorter day in the bad places?

Q. Yes; as far as the miner is concerned?—A. Yes; I believe it would.

Q. How long did it take you, Mr. Walsh, to go through all the Butte properties—make a general inspection, I mean, from top to bottom, and go over the workings?—A. Well, a man not losing any time, it would take him close to two months. He would have to put in eight hours a day, at that. I inspected the North Butte property last April; I put in four days in that one mine, and I went down with the men and came up with the men.

Senator C. P. TOOLEY. Did the committee get a fairly good idea of the condition?

A. Where, in Butte?

Q. Yes.—A. Well, as far as they went, I expect.

Q. Well, they traveled pretty well for two days there?—A. Well, they did for amateurs.

Senator I. A. LEIGHTON. The mining inspector was with us all the time.

Senator J. C. MCCARTHY. If there are no further questions, I move you, Mr. Chairman, we adjourn.

Representative P. J. DUFFY. I might ask one question: When are we going to meet again? We want to get together; I think the chairman ought to designate some time. I understand we are through with all the witnesses.

Senator C. P. TOOLEY. As a substitute to Senator McCarthy's motion, I move that all witnesses be discharged and the secretary make a record of their mileage and per diem, and a bill appropriating money to pay all expenses of this hearing be presented.

(Whereupon the motion, having been duly seconded, was unanimously carried.)

The SECRETARY. I would like to ask under what capacity would I put in items, just like the mining inspector, for instance?

Senator I. A. LEIGHTON. You can go to the sergeant at arms and find out what time they were subpœnaed and allow them from that time until they were discharged.

Senator J. C. MCCARTHY. I think those questions are determined by statute; just simply turn in the number of days and the number of miles.

Senator C. P. TOOLEY. The attorney general's office will supply all that information.

Senator I. A. LEIGHTON. Gentlemen, on behalf of the committee we thank you for your attention, having taken you from your business, which I know is quite a hardship to come here and give testimony before this committee. Most of your testimony has been very instructive indeed, and it will probably lead to some means whereby the committee will try and give you the proper relief. We hope so, at least.

Senator J. C. MCCARTHY. I move that we adjourn subject to the call of the chairman.

(Whereupon the motion, being duly seconded, was unanimously carried.)

FEBRUARY 8, 1911.

Pursuant to the call of the chairman of the joint committee the committee met at the courthouse at Helena, Mont., on February 8, 1911, at 7.30 o'clock p. m., the following members being present:

Senators I. A. Leighton (chairman), W. E. Christopher, and J. C. McCarthy.

The following representatives were also present: Representatives P. J. Duffy, Nelson Story, jr., O. N. Byrnes, and J. C. Duffy.

The meeting having been called to order, Senator J. C. McCarthy asked as to whether or not there was any business before the committee.

Senator I. A. LEIGHTON. Gentlemen of the committee, while the other evening, when we adjourned, it was practically understood that we were about through with the testimony, personally I feel, and one or two others of the committee, that we would like to have Mr. Orem take the witness stand, and if the balance of the committee haven't any objection, I will put him on the stand—that is, if you would like to hear him.

Representative J. C. DUFFY. I would like to hear from Mr. Orem; have him give a general outline.

Representative P. J. DUFFY. Mr. Orem knows more about the mines in Butte than any other man that has been up here yet.

Whereupon W. B. OREM was called and sworn as a witness and testified as follows:

By Senator I. A. LEIGHTON:

Q. Where do you reside?—A. Butte, Mont.

Q. How long have you resided there?—A. About 16 years this last time.

Q. What is your occupation?—A. Deputy State mining inspector.

Q. In your official capacity you have had something to do with reference to the various mines in Butte?—A. Yes, sir.

Q. Mr. Orem, in the shafts that are sunk here for air purposes, I would like for you to state to the committee in reference to them, or whatever you think would be of interest to the committee.—A. Well, there have been various air shafts sunk there; take the Leonard for a starter—I mean the Rarus. Some years ago the Rarus was supposed to be one of the hottest mines in Butte.

Q. The Rarus?—A. The Rarus. It belongs to the Anaconda Co.; that is, it belongs to the Red Metal Co., but it is all the Anaconda Co. When Mr. Walsh and I first went into office this was considered a very warm mine; but within the last three or four years they have sunk a four-compartment shaft on the west end of the ground 1,600 feet deep. They installed a very large fan on top; I think it had a capacity of 140,000 cubic feet of air a minute. At the present time there is not much work going on in the Rarus mine, the Rarus ground; but this shaft is used to ventilate from the Tramway to the crosscut and raised from the bottom levels. They also have a fan on the 1,300 of the Tramway. That has a capacity of, I should judge, thirty or forty thousand cubic feet of air a minute; they also have a fan on the 1,700 of the Tramway with a capacity of about 70,000 cubic feet of air a minute. This air is conveyed through the lower workings of the Tramway mine. There is a raise connected with this crosscut that goes over to this air shaft; it is used to ventilate the two mines.

Now, the Leonard mine, they sunk a new four-compartment shaft within the last three or four years; it is down to the 1,800-foot level now. It has benefited the mine a great deal in the matter of ventilation, being a strong, downcast shaft, and they have also sunk two air shafts on the west end of that mine. They are down to the 1,000-foot level, and it is right on top of their first district; but they have raises going up through—connected to those two air courses—air shafts. Both air shafts are equipped with fans. Within the last year the old Original shaft—which was 1,200 feet deep—they have sunk and raised that shaft now until it is a three-compartment shaft 1,600 feet deep, with a fan on there, I should judge they would have fifty to sixty thousand cubic feet of air a minute, and they intend to raise from the 1,800 up to that 1,600 shaft, which will make a connection clear to the bottom of their mine. They are also sinking an air shaft west of the East Calusa, which is going to be sunk, I should judge, to the 1,800 level, or the bottom. The intention of the company is to equip the top of this shaft with a very large suction fan. The way the conditions are now they have a strong downcast shaft pulling air into this mine, and that is not outlet enough, and the idea of

the management is to get that shaft down to connect those two air shafts and have a suction fan drawing out and giving a circulation from the two downcast shafts.

The Pennsylvania mine was a rather warm mine when we first went into office, and all through our administration we have been recommending air shafts, getting down as near the bottom as they could with the working shaft, so that they would have air connection with the bottom.

Q. What do you mean by "we"?—A. The mine inspector and myself. They have a raise. They have a new shaft known as their air shaft; it is 1,200 feet deep. They have a large fan at the bottom of that—you remember when you were in there. They are also going to raise that shaft to the bottom to connect with their eighteen hundred, but they have raises now connecting the lower level separate from the one they are now raising, which has cooled the mine off comparatively.

Take the Speculator, now—or the North Butte. The North Butte has been a rather warm mine on account of not having air shafts down to help ventilate the mine, but within the last year they sunk the Granite Mountain shaft. It is down to the 1,800-foot level now. They sunk and raised 1,250 feet last year, and they intend raising this down to the bottom. They have also made connections with the Badger on the eighteen hundred and fourteen hundred—you remember that is where we got that current of air in there when we were down in the bottom levels—which has helped this mine considerably. I recommended to Mr. Pope, the superintendent, a short time ago—their main shaft is a downcast shaft, and this Granite Mountain, this new shaft that they have sunk and raised to the eighteen hundred, is an upcast shaft—I recommended that they should put a fan on that to help draw out the hot air, and that is the intention of the company to put it on there. But they are going to raise out another compartment and make it three compartments.

Take the Gagnon: The Gagnon main shaft used to be an upcast, but they put a fan on it and reversed it, making the suction downward, and they have it connected with their air raise that they have up on the west end of their ground there. They have kept pretty well down to the bottom; I think it is down to the twenty-two hundred now, but within the last two years they sunk a three-compartment shaft on the west end of the ground; it is down 1,520 feet now, and they soon will have their air connection down there, so that this air will go down through the bottom of the mine. The intention of the company is to sink clear to the bottom, and it will be their main hoisting shaft.

The West Stewart mine: It was a strong downcast shaft, and they had a shaft on the east end of the ground there that was closed up, so Mr. Walsh and I recommended that they should retimber that shaft, and use it as an air shaft. Well, they retimbered it down to the twelve hundred, and it was doing a great deal of benefit to the mine, but through Clark's management—he was very slow in putting up raises, and such like, so the development was always ahead of the air shaft; the consequences were that they did not get the results that they should have. At the present time that has become the property of the Anaconda Co., and the Original, too, and they are putting raises up there to connect with that shaft, which will be a great benefit, too, in regard to ventilation, because it will help—the main shaft is a downcast shaft—it will help take out all the warm air that is down there. The Original has also been a very warm mine from the lack of proper management during the time that Clark had it, but now, since the Anaconda Co. has got it they can connect with the Gagnon and they will get a great deal of that air that is going to come in from the Gagnon on the west, and it will be only a short time, I think, until the conditions in that mine are greatly improved.

Take the Diamond mine: The Diamond mine has also been a rather warm mine on account of the general condition there—the ore is scattered and a long ways apart; but after they became the owners of the Corra property that shaft was closed, and through the recommendation of Mr. Walsh and myself they retimbered part of it and opened it up to the twenty-two hundred, and this connected over with the Diamond shaft, and is doing a great deal in the matter of ventilation in the Diamond mine. They also sunk and raised the Parnell shaft, down where they got their main ore body, that is connected down to the eighteen hundred now; they also have a fan installed on the top of this shaft pulling out, and it has done a great deal for the mine. That has been done within the last two years, and the Parnell within the last three years.

The East Grey Rock, why, I don't know but what it was the warmest mine in Butte when we went into office. I don't think there is a question about it.

The West Grey Rock at the time that we took office was in the hands of leasers, but fortunately they developed some pretty rich ore bodies in there, and after the lease expired from those leasers Mr. Walsh and I recommended that they should sink this West Grey Rock shaft down to the eleven hundred to connect with the East Grey Rock shaft. This was done, and raises put up from the bottom of this shaft down to their sixteen hundred, and the condition there changed wonderfully. I suppose it is one of the best ventilated mines in Butte to-day.

The Mountain View mine: The Mountain View mine also was warm in portions of it, it having very extensive ore bodies. This mine was worked, I should judge, from the two hundred to the bottom on every level. They have also sunk and raised an air shaft down to the eighteen hundred; it is connected to the bottom of the mine; that has been done within the last three or four years. They sank 300 feet this year. (You remember when we went from the Mountain View to the Leonard.) I should judge down in the bottom before that connection was made to the Leonard and the air shaft, that it was 85 and 90. I don't believe I ever was in a hotter place than I was in there, but it is cool now.

The Tuolumne, of course, is a cool mine, but they have also put an air raise from the sixteen hundred to surface. I think that takes in pretty nearly all of them. There has been a vast amount of money spent in the last four or five years in the matter of ventilation. When we took this office they had no air shafts, practically; they have all been started since. Oh, yes; there is the St. Lawrence.

Representative J. C. DUFFY. What about the conditions in the Anaconda, in the matter of suppressing the first?

A. It has been necessary there to sink several air shafts in order to take out the fumes and gases in those mines. They have got the Mollie Murphy down to the fourteen hundred; the Sweet Metcalf shaft is connected down—that is, in the southern portion of the St. Lawrence mine, southern end; that is where they get their main supply of air, that is connected down through all the workings in the mine at the present time, and during the recent fire that they had in the Anaconda the main shaft has filled up, which was 2,400 feet deep, and they are now engaged in retimbering it and cleaning it out to the bottom. They have retimbered something like 1,300 feet in the last year or so. I think that is about all the air shafts that I remember of. I ought to have a list.

I actually believe that they have done almost everything within reason that they could do, and my idea about this matter of ventilation is that these air shafts should be kept down with the working shafts, and should be sunk in solid ground, away from all mine workings, where crosscuts could be closed with a door, so that it would be easy to convey air to different parts of the mine. If those connections are kept at any reasonable depth of the working shaft—that is, the air shafts are kept within any reasonable depth of the working shafts—you have got a circulation that you can not get any other way; fans are no good if you have not got any circulation; you have got to have some place to draw air from to make a fan do any good at all. If you have got a downcast shaft—they are beginning to experiment a great deal on that—they use a fan at the bottom of their shafts, see, on their downcast, and in the upcast a fan is put on top to pull out.

Another thing people have got to take into consideration is that those mines within the last year or so have had several bad fires. In the Leonard mine, practically a new fire from the twelve hundred down; they lost all their stopes above that from fire, and, consequently, it has been warmer and has made the mine warmer than it would have been if they had not had that fire. I think Mitchell told me the last time I was down there that they had 125 concrete bulkheads and have got the fire fenced off. I think they are doing nearly everything that they can.

Senator I. A. LEIGHTON. From your testimony I would say that many of the air shafts have been sunk through the recommendation of the office of the State mining inspectors?

A. Yes; and through our working with the company. We have always recommended those air shafts.

Q. And the company willingly responded to your recommendations?—A. Within the last few years they have taken a great interest in it, because the mines became warm, and they wouldn't get the results without having the air down there. I also recommended those sanitary cars to be installed in all working levels.

Q. In all working levels?—A. In all working levels; and Mr. Dunshee told me that they had ordered cars for that purpose and were going to install them in all their mines.

Q. Mr. who?—A. Dunshee; he is assistant superintendent under Gillie. I believe those are all the air shafts that I can remember now.

Senator I. A. LEIGHTON. Any one of the committee would like to ask any questions?

Representative P. J. DUFFY. Mr. Orem, in most of the mines in Butte they are working from the two hundred to bottom, are they not, or the three hundred?

A. Well, some are, Pat, and some are not. Of course, take a mine like the Original, and those—the Original mine is worked out to the nineteen hundred level.

Q. There is raises through to every level in all these mines, is there?—A. Most of them; there is one or two raises through nearly in all of them.

Q. Do these raises extend to the surface?—A. Yes, sir.

Q. And it is very little they have to sink in order to connect with these raises, which is a very cheap way of getting air carried through?—A. Well, yes; I would say that in some cases you might do that, but where you are working a mine down to the nineteen or eighteen hundred foot level, or twelve hundred, or in places like that, if you have got one raise through to surface, it is not so bad; it would be impossible to put every raise through to surface.

Q. No; we do not want every raise to the surface; but you have got to have a main air course?—A. Yes; that is what it is supposed to be; that is what I am recommending these air shafts for, so that they will have two separate air courses.

Q. One is the intake and the other is the outlet?—A. That is an intake and the other an outlet.

Q. Is that it?—A. Yes; that is the idea, exactly.

Q. Most of these air courses have chippy engines on, and fans also to get the air down, do they not?—A. Some have and some have not. That Rarus shaft has no chippy on it at all; the Gambetta No. 1 and No. 2 of the Leonard has no chippy on it at all.

Q. Where these air courses are in mines with chippy engines on them already, are they not a saving to the company, because they are practically in the center of their mine, where most men are employed?—A. Well, they are a great saving to a company. But supposing you have a three-compartment shaft, like they are sinking on the Gagnon; you practically have two compartments open; then if you have got two compartments open and an engine working on it, you have got two compartments——

Q. Free for air?—A. Yes; and they never sink a shaft unless they have two compartments.

Q. This shaft you speak of on the Gagnon, do they not intend to use for their main working shaft?—A. Yes; that will be the main working shaft, and they can use the Gagnon shaft——

Q. For an air course?—A. You see there is practically two shafts there. There is the Original and Gagnon right together; chances are they will make an upcast with the Original when they connect with this west end.

Q. How deep would they have to sink—what is the top level of the Mountain Con mine at the present time where men are employed extracting ore?—A. They are working on the three hundred of the Mountain Con.

Q. What is their lowest level?—A. Twenty-two hundred.

Q. Are mines through from the twenty-two hundred to the three hundred?—A. Why, not necessarily; they are not, because they are connected to other shafts in there.

Q. How far would they have to raise or sink from the top level of the present workings of the Mountain Con to reach surface?—A. From the top level of the Mountain Con?

Q. Yes.—A. Well, Pat, they don't need that, I will tell you why. They are connected to two or three different shafts on the 200, and that air goes right down through the stope.

Q. In the bottom level?—A. You said from the top level.

Q. I want to get you to the bottom from the top level of the Mountain Con. How far would they have to raise, or is there any raises through to the sixteen or eighteen hundred?—A. Yes; I believe there is. I think I started at the two hundred, if I remember, and went down, I wouldn't say positively, to the seven or eight hundred foot level. Then they are connected with the

Buffalo, and they are also connected with the Little Mina on the thousand, and all that air comes in through there.

Q. There is no fan on this property at all at the present time?—A. I will tell you; let me explain that before we go any further. There was a fan on the top of the Green Mountain until this fire broke out over on the High Ore and they moved this fan from there to put on the Modoc shaft. That High Ore mine until this recent fire was supposed to be one of the coolest large mines in the Butte district. They have sunk the Modoc shaft within the last three years 1,200 feet; it is down to the 1,800-foot level now. That also connects with the Ballaklava, which has a strong downcast shaft; this air was conveyed through raises down to the two thousand. They have also got raises now starting from the twenty-two hundred and twenty-four hundred to connect up there until this fire broke out, but it is all bulkheaded off at the present time, and no telling how long it will be before they will be able to work in there. Of all air shafts that I have ever recommended, it has always been our intention to have those air shafts for that purpose and nothing else. But after taking the thing under consideration, if a shaft is a three-compartment shaft, if you have got two compartments for air it is going to give you quite a supply. In most of those places where they run chippies they use it mostly for lowering timbers into the stope. Of course, no mining inspector has got authority to tell them what they can do after they sink those shafts; they use them to suit themselves. Every time that a shaft has been sunk and kept at a reasonable working depth, it has benefited the mine, because it has given a circulation that you could get no other way. I guess that is about all unless you fellows want to ask me something.

Q. That was my idea in asking you this question, to show that it was a benefit to the company to keep the place ventilated in the working places where men were employed.—A. Yes; it is a benefit to them; it is not detrimental.

Q. I want to convey this idea. That when their air shafts are sunk, in the majority of cases, it has been around in the main workings so that the company could use them for other purposes besides air.—A. Oh, yes; they are a great benefit, there is no question about that.

Q. Do you know of any mine in Butte which they had to sink exclusively for air, that they could not use that shaft for another purpose?—A. Well, there are shafts that they are not using for any other purpose but air, but they could be used at any other time for other purposes; at the present time they are using them for nothing else than air.

Q. The Mountain View shaft which is stated was working at the present time while they were repairing their engine and shaft, they are using that air course and hoisting ore and working men while they are making the repairs, are they not?—A. Yes, sir.

Q. It has been a benefit, then, to the company as well as to the men?—A. Oh, yes; there is no question about that.

Q. Do you think that company could make an improvement on their present air courses?—A. Well, I would say this, that within the last two years they have taken a great interest—the last four years—in regard to their air courses, because the mines were getting warm and it became necessary that they should do those things.

Q. Men have been able to do a great deal more with good air than with poor air?—A. Well, I can give you an example of that. In that East Grey Rock mine, that I was telling you about, that was so warm, after they got this air shaft to the 1,100 and connected down to the 1,600, the superintendent told me that it reduced the cost of their mining of their ore 35 cents.

Q. A ton?—A. Yes; a ton.

Senator J. C. McCarthy. Mr. Orem, do you know of any reason why trap doors could not be used for manways in the different levels so as to maintain a continuation of air in the stopes?

A. In some places they have; they are just beginning to do that recently. I have noticed during the last year where they are putting doors in the manways, and have them so that they can close them when you go down through them.

Q. Do you consider that a very good improvement?—A. I do.

Q. Do you know of any reason why a certain amount of ore could not be kept nearly all the time in the various chutes in order to help the circulation of air?—A. Yes; but the shift bosses won't let you do it.

Q. Assuming that the shift bosses had orders from the general manager to do that, would there be any drawback to the management, as a rule, by leaving

the ore—or, at least, a little ore in the various chutes?—A. You mean in order to stop the circulation going up the chute?

Q. Yes; that is my idea.—A. Well, if you could do it it wouldn't hurt anything.

Q. Would it help any at all?—A. Well, it might. Supposing, for example, that your floors were practically worked out where your manways were, and your chutes were near the top, and your biggest part of ore was at the breast, by keeping that place closed you drive your air to the stope where the men were working, that is your idea?

Q. That is my idea exactly. Of course, you understand, Mr. Orem, that in case that they discontinue the use of an ore chute, a small trapdoor would answer the purpose equally as well.—A. Yes; but they will fill them with waste.

Q. It would answer the purpose, would it not?—A. They saw off the mouth of the chute and fill it with waste—they fill the chute with waste.

Q. Then, your idea is, Mr. Orem, that the rivalry between the shift bosses to establish a record on their particular shift is the reason why ore chutes are sometimes emptied of ore?—A. I think that is half of it.

Q. Isn't that the whole of it?—A. A man is generally figured on the amount of rock that he gets up. You know if a shift boss walks down through a sill and don't hear the rock rolling in the box, there is something doing when he goes up, Jerry. That is my general idea about that. I might give you a little more data as to the mines in Butte, but I would have to remember it from memory.

Q. Your idea, as a whole, is that the conditions are being rapidly improved in Butte?—A. Oh, they are 100 per cent better than they were a year ago. I do believe that they should keep those air shafts down within a reasonable depth of their main working shaft.

Q. What would you consider a reasonable distance?—A. Any place so that they could connect within 100 feet or so.

Representative J. C. DUFFY. It is not practical for to carry your air course down within 100 feet or 200 feet of your work shaft, because you have got to extend your drift?

A. It is all right to keep them so that you can connect them right up. I will tell you what I have seen recently, to show you how they are doing those things. Over there in the Gagnon, Ferns had the same system; he would sink a winze down 50 or 60 feet; see, way in over there above their bottom level, then when they get under that place, you see they would only have to run a raise 40 or 50 feet and they would have their raise through—the air would be in the bottom—they would put their waste in and start to fill their stopes. It is a great help. They are using that system a great deal there now.

Senator J. C. MCCARTHY. Have they uniform sizes to go by in the matter of establishing air courses in the various mines?

A. No; they have not, but if they find it is not large enough—they are going to do that on this Granite Mountain; they sunk a two compartment, now they are going to raise it out another compartment. They did the same thing on the air course in the Rarus; they first raised it out two compartments; they saw it was not pulling air enough, so that they raised it out four compartments. It is quite a job, you know, to keep those places open.

Representative P. J. DUFFY. In most shafts they sink now, which are sunk now, they sink one or two compartments and then raise, do they not?

A. They never sink a shaft less than two compartments.

Q. And raise it and make it four compartments or whatever size they want it?—A. Yes.

Q. Now, in blasting, is it necessary to blast at noon in these mines, or could they drill all shift and blast going off each shift and leave rock for the muckers?—A. Well, now, that is a hard proposition. Supposing your partners were working in a drift and they drilled four or five holes, you come on and drill five more, do you think it would be right to wait until night before blasting that round of holes?

Q. In cases it takes more than eight or nine holes to pull it?—A. Sometimes it does not and sometimes it does. I have not any authority to tell them when they shall blast or shall not; but it is not customary to blast in most of the mines in Butte at noon, because their mine would be full of smoke during some hours afterwards; but you take places—now, Pat, where you are working in drifts, and crosscuts, and places like that, if you limited the time of blasting you would stop the progress—would stop the progress, would you not?

Q. I will answer you this way. In most drifts where you have got to drill five holes, clean out your holes, tear down, get floors, you have got a shift's work.—A. Oh, no. Let me tell you another thing in regard to the working of a mine. They are generally either running a crosscut or drift in on the same level. It is generally customary to drill in one while they muck in the other. I think that is a good scheme; they generally blast going off shift.

Senator J. C. McCarthy. In other words, you think it is impractical to establish any particular line of work or determine what can be done in any particular vein in all places of the mine?

A. No; I don't think it is practical.

Senator W. E. Christopher. Is there any authority in the law, either the civil or penal law, that clothes you with authority as mine inspector to overcome these conditions; that is, do you know of any?

A. Why, all I know of is that we can recommend. I believe that there is a place there, is I am not mistaken, that if a man gets a statement from a man signed by two or three different individuals in regard to the safety of a place, that is the duty of the mine inspector or his deputy to investigate that. I believe I have had one or two occurrences of that when I went into office, signed by two miners that worked in the place, and I immediately went over there and rectified that demand.

Representative P. J. Duffy. That is a matter of protection and safety to the miners?

A. Anything that endangers or pertains to the life of a miner, it is the mining inspector's business to recommend that those places should be fixed safe.

Q. How long would it take you to go through all the Butte mines and examine them?—A. Well, for a fellow to go through them thoroughly it would take him two months and a half or three months. I mean if he would go through every raise. He could go through in less time than that by hurrying.

Q. I mean to examine them, to see what condition they are in?—A. I believe it would take that time.

Q. Two months and a half or three months?—A. Yes. I have certain times that I go through if I have an accident, or such; I generally go through a level or two. That way you are generally in touch with them all the time; you see from memory I can tell you pretty near everything around there.

Q. Is there enough work there for another deputy with you?—A. Well, I don't hardly think there is, Pat. There might be. I believe one man can attend to that district all right. Of course a man over there is up against it a great many times; he is the limelight for everything.

Q. That is what I am getting at.—A. He is a gentleman sometimes and sometimes he is otherwise.

Q. Do you think that with another deputy that any good could be accomplished?—A. I don't believe so in that district, because friction might come between the two deputies. That's all.

(Whereupon Mr. William Walsh, mine inspector, submitted written paper for the consideration of the committee.

Upon motion duly made, seconded, the meeting was adjourned subject to the call of the chairman.)

Report of Joint Committee.

Helena, Mont., *February 16, 1911.*

To the honorable Senate and House of Representatives of the State of Montana.

Gentlemen: We, your committee, duly and regularly appointed for the purpose of investigating and reporting upon the sanitary conditions and the conditions of ventilation of the mines in this State, especially of Butte, respectfully report as follows:

The entire committee visited the city of Butte on January 5, 1911, arriving there at 2.55 p. m., and upon arrival notified the different managers of the mines, and also the officers of the Butte miners' union, that our mission was to investigate the sanitary and ventilating conditions of the mines, and informed them that the committee would proceed with the investigation the following morning.

On the following morning at 9.30 a. m., accompanied by Mr. John Gillie, general superintendent of the Amalgamated mines; B. H. Dunshee, assistant superintendent of the company; J. C. Adams, superintendent of the Boston & Montana Consolidated Mining Co.; Thomas Mitchell, foreman of the Leonard

mine; D. D. Sullivan, president of the Butte miners' union; and Joseph Guelfi, vice president of the Butte miners' union, the committee inspected the change room or dry room, where they found 600 lockers for the use of the men employed in which to change their clothes, with cement floors, shower baths, and wash rooms. The committee was very favorably impressed with the fact that the companies were doing what they could to prevent the men from exposure.

We were then lowered to the 1,200-foot level of the Leonard mine, and we were shown doors installed for the purpose of changing the course of air. We were then lowered to the 1,400-foot level and went through stope No. 1623 to the 1,800-foot level. At the crosscut No. 1803 the temperature there registered 73° and at the breast 82°. Then we went through the 1,800-foot level to the West Calusa mine and Comanche air shaft. We were then taken to the surface for lunch. After lunch the committee went through several stopes and drifts of the Mountain View and Pennsylvania mines. The temperature from the back of the crosscut No. 1813 of the Pennsylvania was 76°.

After coming to the surface the committee were taken to the engine-room and shown the safety appliances on the engine to prevent the cages or skips from going into the sheave wheels.

On January 7 the committee, accompanied by the officers of the miners' union, went to the Original mine, and we were lowered to the 2,000-foot level to the pump station. Temperature at this point was 73°; through stope No. 2101 temperature registered 88°. Climbed through stopes and drifts of Gagnon and Original mines to 2,400-foot level of the Original mine, where the temperature in the west drift was 78°. Went up to surface for lunch. After lunch the committee went to the plant of the Great Falls Power Co., near the High Ore mine, and to the compressor room of the Diamond mine, and then to the Speculator mine of the North Butte Mining Co., where they were lowered to the 1,600-foot level, accompanied by Mr. John Pope, manager, and Mr. Dan Courtney, foreman, and went through stope No. 1816. On the twentieth floor the temperature was 80°. Then we went to No. 1826 raise, where the temperature was 80°; then through stope No. 1838, 300 feet west of No. 1816, where the temperature was 72°; then to 1,800-foot level and climbed down raise No. 2018, through the stope, where the temperature was 80°, and then to the 200-foot level station, where the temperature was 78°; and from this point to surface, when the committee, after a consultation with the officers of the companies and the miners' union, concluded that they had been shown through the best and worst places that both parties had to show them, and decided to leave for Helena to continue the investigation at a later date upon some course that the majority of the committee might determine.

On January 10 the committee met pursuant to call of the chairman. Chairman Leighton called the meeting to order and stated that he had telephoned the president of the Butte miners' union, and was informed that the union would meet that night. On motion, duly seconded, the chairman was authorized and instructed to request the Butte miners' union to appoint one of their members from each of the following mines—

Original, Stewart, Gagnon, Mountain Con, Bell & Diamond, East Grey Rock, Speculator, Badger, Buffalo, High Ore, Never Sweat, Anaconda, St. Lawrence, Colorado, Pennsylvania, Tramway, Silver Bow, West Calusa, Leonard, Pittsmont, Blackrock, Elm Orlum to appear before this committee to give such evidence as they might wish, each of said members to be working in the mine he represents; also to notify the managements of those properties of the action taken.

The chairman thereupon notified the Butte miners' union of the action of the committee, as above set forth; whereupon the Butte miners' union informed the chairman that they preferred sending a committee of five or six to appear before this joint committee.

Whereupon, at the request of the Butte miners' union, the committee caused to be summoned to appear before them the following witnesses: Dan Holland, Jacob Oliver, J. C. Lowney, John Vickers, Dan D. Sullivan, Joseph Guelfi, John Driscoll, James McQuire, John Daly, Patrick Cloonan, and William Walsh. Other witnesses appearing before the committee were Dr. P. H. McCarthy, John Gillie, John D. Pope, Dr. W. F. Maginn, Dr. T. J. Murray, and W. B. Orem.

Whereupon, on January 24, the committee was called to order by the chairman, and Chairman Leighton made the following statement as to what testimony should be adduced before the committee:

Gentlemen, there is one thing that I wish to state, and that is this, that in the testimony that will be given by the various witnesses here, I wish that it

would be confined absolutely to those two conditions that this joint committee is called upon to thoroughly investigate and inquire into, and those are the sanitary conditions of the mines of the State, especially of Butte, and the conditions of ventilation. In our other meetings that we have had and those whom we have met, especially at the meeting in Butte, they seemed to drift off from those two subjects and wandered into other things. As we are now to begin taking testimony pertaining to those two subjects, we can not allow extraneous matter to be brought in, but only evidence pertaining to these two subjects, sanitary conditions and the conditions of ventilation; and we propose to subpœna and bring before this committee other miners from Butte, as many as we see fit, and also the mine owners, or any man whom we think can bring us any information in regard to this matter, for it is the object of the committee, and it is the desire of the twelfth legislative assembly that we should get to the bottom of this matter and see if we can not enact some law, or in some manner correct those things that seem to be prevailing over there that are wrong. Consequently I ask those who take the witness stand to remember that we can not allow anything but that pertaining to these two subjects.

Whereupon the following witnesses were called, duly sworn, and testified: P. J. Duffy, Dan Holland, Jacob Oliver, and J. C. Lowney.

Whereupon, on January 30, the committee was called to order by the chairman, and the following witnesses were called, duly sworn, and testified: John Vickers, Dan D. Sullivan, Joseph Guelfi, John Driscoll.

Whereupon, on January 31, the committee was called to order by the chairman, and the following witnesses were called, duly sworn, and testified: Dr. P. H. McCarthy, James McQuire, John Daly, Patrick Cloonan, John Gillie, and John D. Pope.

Whereupon, on February 1, the committee was called to order by the chairman, and the following witnesses were called, duly sworn, and testified: James McQuire, Dr. W. F. Maginn, Dr. T. J. Murray, and William Walsh.

Whereupon, on February 8, the committee was called to order by the chairman, and Mr. W. B. Orem was called, duly sworn, and testified.

After considering all the testimony adduced before us and after due deliberation, we respectfully submit our conclusions as follows:

We find that the companies in Butte are doing all in their power to perfect their ventilation and sanitary conditions, and are not sparing expense in doing so. The mining sanitary cars are to be installed in all of the mines in Butte, some already being in use.

The testimony of Mr. Gillie shows that the following mines have been installed with fans in the last year:

	Cubic feet per minute.
1,200 Pennsylvania	60,000
Mitchell shaft	40,000
Gambetta shaft	40,000
1,600 Leonard	60,000
Rarus air shaft	90,000
1,700 Tramway	73,000
1,200 Tramway	50,000
Gagnon air shaft	36,000
Green Mountain shaft	54,000
Parnell shaft	75,000
Corra shaft	75,000
Original shaft	50,000
East Stewart shaft	50,000
Total	753,000

From the testimony of Mr. John Gillie, Mr. John Pope, William Walsh, State mine inspector, and Mr. W. B. Orem, deputy mine inspector, it will be seen that raises are being put in all the mines to produce better ventilation. Mr. Gillie, superintendent of the Amalgamated Co., and Mr. Pope, superintendent of the North Butte Mining Co., assured the committee that they were sparing no expense to have the mines properly ventilated and the sanitary conditions perfected; their testimony shows that it is to the interest of the companies to bring about good sanitary conditions and ventilating conditions. The preponderance of the testimony of the miners themselves shows that the operators in Butte are making a systematic effort to improve the sanitary and ventilating conditions in that district.

The committee summoned to appear before them three able physicians from the city of Butte, who had performed many autopsies on these miners who were supposed to have died from the so-called miners' consumption. Their testimony definitely proves that the conditions of the mines can not alone produce consumption, but that the occupation of a miner is such, due to absence of sunshine and natural surface conditions, that it tends to so weaken and irri-

tate the lungs that a miner is more liable to contract the disease called consumption, and for this reason tuberculosis is more prevalent in a mining community than elsewhere.

The testimony taken upon the several hearings held by our committee has been transcribed and is herewith submitted and made a part of this report.

Your committee also submits and presents herewith a suitable bill for an act, which your committee believes might tend to correct any troubles complained of, and recommended to the consideration of the legislature.

Respectfully submitted.

GILLIE EXHIBIT NO. 1.

Number of fans and horsepower used in ventilating mines of Anaconda Copper Mining Co.

Mine.	Fans.	Number of fans.	Installation.	Cubic feet per minute.	Horsepower.	Revolutions per minute.	Pressure.	Motor horsepower.
							Ounces.	
Anaconda	American Blower Co., No. 100.	1	Surface	110,000	150.0			150.0
Do	Sirocco, No. 4	2	Underground	9,820	17.5	1,120	3.8	20.0
Never Sweat	Sirocco, No. 11	1	Surface	53,600	50.5	294	2.0	75.0
Do	Sirocco, No. 4	2	Underground	9,820	17.5	1,120	3.8	20.0
High Ore	Sirocco, No. 11	2	Surface	53,600	50.5	294	2.0	75.0
Do	Sirocco, No. 6	3	Underground	19,500	27.5	660	3.0	30.0
Do	Sirocco, No. 4	5	do	9,820	17.5	1,120	3.8	20.0
Do	Sirocco, No. 3½	3	do	6,620	9.4	1,130	3.0	10.0
Do	Venture, No. 6	2	do					
Diamond	Sirocco, No. 13	1	Surface	83,500	98.0	278	2.5	100.0
Do	Sirocco, No. 11	1	do	60,000	70.5	328	2.5	75.0
Do	Sirocco, No. 4	1	Underground	9,820	17.5	1,120	3.8	20.0
Do	Sirocco, No. 3½	1	do	6,620	9.4	1,130	3.0	10.0
Gray Rock	Sirocco, No. 11	1	Surface	53,600	50.5	294	2.0	75.0
Do	Sirocco, No. 3½	1	Underground	6,620	9.4	1,130	3.0	10.0
Mountain Consolidated.	Sirocco, No. 13	1	Surface	83,500	98.0	278	2.5	100.0
Do	Sirocco, No. 4	2	Underground	9,820	17.5	1,120	3.8	20.0
Do	Sirocco, No. 3½	2	do	6,620	9.4	1,130	3.0	10.0
Do	Sirocco, No. 2½	1	do	3,636	6.5	1,700	3.6	7.5
Steward	Sirocco, No. 11	1	Surface	60,000	70.5	328	2.5	75.0
Do	Sirocco, No. 4	1	Underground	9,820	17.5	1,120	3.8	20.0
Do	Sirocco, No. 3½	1	do	6,620	9.4	1,130	3.0	10.0
Original	Sirocco, No. 11	2	Surface	60,000	70.5	328	2.5	75.0
Do	Sirocco, No. 2½	2	Underground	3,636	6.5	1,700	316.0	7.5
Do	Sirocco, No. 5	1	do					
Belmont	Sirocco, No. 2½	4	do	3,636	6.5	1,700	316.0	7.5
Nettie	do	1	Surface	3,636	6.5	1,700	316.0	7.5
Leonard	Sirocco, No. 15	2	do	100,000	150.0	225	3.0	150.0
Do	Sirocco, mill type	3	Underground	9,820	17.5	1,120	3.8	20.0
Do	Buffalo	1	do	30,000				40.0
West Colusa	Sirocco, No. 15	1	Surface	100,000	150.0	225	3.0	150.0
Mountain View	do	1	do	100,000	150.0	225	3.0	150.0
Do	Buffalo	1	do	30,000				50.0
Pennsylvania	do	2	Underground	30,000				75.0
Do	Sirocco, No. 6	2	do	19,500	27.5	660	3.0	30.0
Berkeley	do	1	do	19,500	27.5	660	3.0	30.0
Mountain View	do	3	do	19,500	27.5	660	3.0	30.0
East Colusa	Buffalo	1	Surface	30,000				75.0
Ella	Sirocco No. 6	1	do	19,500	27.5	660	3.0	30.0
Tramway	American Blower Co.	1	do	110,000	128.0			150.0
Do	Sirocco No. 15	1	do	100,000	150.0	225	3.0	150.0
Do	Conoidial	1	Underground	60,000	28.0			50.0
Do	do	1	do	75,000	51.0			100.0
Do	Sirocco No. 4	2	do	9,820	17.5	1,120	318.0	20.0
Do	Sirocco No. 2½	1	do	3,636	6⅛	1,700	316.0	7.5

Total number of fans	72
Total horse power used	2,721.2
Total capacity (cubic feet per minute)	2,030,108

POPE EXHIBIT NO. 1.

List of accidents, North Butte Mining Co.

	Slight.	Serious.	Killed.	Total.
1907.				
Underground:				
Fall of rock from breast, hanging-wall, etc	5	2	.....	7
Fall of rock or articles down shaft, chute, manway, etc	.....	1	.....	1
By mine cars	.....	1	.....	1
Explosions	1	.....	.....	1
Miscellaneous	1	1	.....	1
By fall down shaft, chute, manway, etc	1	1	1	3
Total	8	6	1	15
Surface: Handling lumber (total)	1	.....	.....	1
Grand total	.....	.....	.....	16
Average number of men employed:[1] Surface, 175; underground, 576; total, 751.				
1908.				
Underground:				
Fall of rock from breast, hanging-wall, etc	13	5	.....	18
Fall of rocks or articles down shaft, chute, manway, etc	2	1	.....	3
By mine cars	4	2	.....	6
By tools or machinery	1	.....	.....	1
Miscellaneous	6	.....	.....	6
By fall down shaft, chute, manway, etc	1	1	.....	2
By gas	1	.....	.....	1
Total	28	9	.....	37
Surface:				
Loading timber	3	.....	.....	3
Miscellaneous	1	.....	.....	1
Total	4	.....	.....	4
Grand total	.....	.....	.....	41
Average number of men employed:[1] Surface, 95; underground, 635; total, 730.				
1909.				
Underground:				
Fall of rock from breast, hanging wall, etc	22	4	.....	26
Fall of rock or articles down shaft, chute, manway, etc	2	.....	.....	2
By mine cars	2	1	.....	3
Explosions	.....	1	.....	1
By tools or machinery	4	1	.....	5
Miscellaneous	5	1	.....	6
By fall down shaft, chute, manway, etc	3	2	3	8
Found dead, no cause known	.....	.....	1	1
By electricity	.....	.....	1	1
Total	38	10	5	53
Surface: By tools or machinery	1	.....	.....	1
Grand total	.....	.....	.....	54
Average number of men employed:[1] Surface, 96; underground, 802; total, 898.				
1910.				
Underground:				
Fall of rock from breast, hanging wall, etc	22	4	1	27
Fall of rock or articles down shaft, chute, manway, etc	6	.....	1	7
By mine cars	5	2	.....	7
Explosions	1	.....	2	3
By tools or machinery	1	.....	.....	1
Miscellaneous	4	.....	.....	4
By fall down shaft, chute, manway, etc	5	2	1	8
Total	44	8	5	57
Surface:				
By tools or machinery	2	.....	.....	2
Handling timber	2	.....	1	3
Total	4	.....	1	5
Grand total	.....	.....	.....	62
Average number of men employed:[1] Surface, 114; underground, 725; total, 839.				

[1] Number of men employed arrived at by dividing total number of shifts per year by 360.

List of accidents, North Butte Mining Co.—Continued.

	Slight.	Serious.	Killed.	Total.
1911.				
Underground:				
Fall of rock from breast, hanging wall, etc	21	5	1	27
Fall of rock or articles down shaft, chute, manway, etc	9	1	1	11
By mine cars	13	1	.....	14
Explosions	1	1	1	3
Miscellaneous	6	.....	.....	6
By tools or machinery	4	.....	.....	4
By fall down shaft, chute, manway, etc	2	.....	2	4
Injured on cage	.....	1	.....	1
Total	56	9	5	70
Surface: By tools or machinery (total)	1	.....	.....	1
Grand total	.....	.....	.....	71
Average number of men employed:[1] Surface, 115; underground, 714; total, 829.				
1912.				
Underground:				
Fall of rock from breast, hanging wall, etc	77	2	1	80
Fall of rock or articles down shaft, chute, manway, etc	12	.....	1	13
By mine cars	18	3	.....	21
By tools or machinery and timber	20	1	.....	21
By fall down shaft, chute, manway, etc	4	1	.....	5
By skip or cage	1	1	.....	2
By electricity	0	.....	1	1
Miscellaneous	7	.....	.....	7
Total	139	8	3	150
Surface:				
By machinery	.....	3	.....	3
Lumber pile	3	.....	1	4
Grand total	142	11	4	157
Average number of men employed:[1] Surface, 125; underground, 774; total, 899.				
1913.				
Underground:				
Fall of rock from breast, hanging wall, etc	146	6	.....	152
Fall of rock or articles down shaft, chute, manway, etc	33	2	2	37
By mine cars	29	2	1	32
By tools or machinery and timber	39	1	.....	40
By fall down shaft, chute, manway, etc	9	1	.....	10
By skip or cage	.....	1	.....	1
Miscellaneous	19	.....	.....	19
Total	275	13	3	291
Surface:				
By machinery	5	.....	.....	5
Lumber pile	2	.....	.....	2
Ore bin	1	.....	.....	1
Grand total	283	13	3	299
Average number of men employed:[1] Surface, 145; underground, 769; total, 914. Number days mine operated in 1913, 345.				

[1] Number of men employed arrived at by dividing total number of shifts per year by 360.

NOTE.—It should be explained that the accidents entitled "Slight" embrace the most trivial accidents, such as a cut or bruised finger or toe, and in the large majority of these cases the employee loses no time at all. The above is drawn up in accordance with the Form used by the Bureau of Labor at Washington, and serious accidents are those which prevent a man from returning to work in less than two weeks.

STEWART EXHIBIT NO. 1.

THE STATE OF MONTANA,
DEPARTMENT OF ATTORNEY GENERAL,
HELENA, *November 18, 1914.*

Hon. LEWIS K. BROWN,
Secretary U. S. Committee on Industrial Relations,
Chicago, Ill.

DEAR SIR: Your letter of the 13th instant, addressed to Hon. Sam. V.. Stewart, governor, Helena, Mont., has been by him transmitted to this department, with request that the desired information be furnished from this office.

In compliance therewith I am directed by Attorney General Kelly to give you the following:

The decision of the Supreme Court of Montana, with reference to the taxation of minerals, etc., reserved by railroads when land is sold, separate and apart from the land, will be found in the case of Northern Pacific Railroad Co. *v.* Mjelde, reported in 48 Mont., 287; 137 Pac., 386.

We have no law in this State specifically relating to boycott.

The law of our State with reference to protection of discharged employees and the prevention of blacklisting, is found in sections 1755, 1756, 1757, and 8647, Revised Codes of 1907. For your information these sections are set forth herein:

"1755. If any person, after having discharged an employee from his service prevents, or attempts to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, such person is punishable as provided in paragraph 8467 (656), of the Penal Code, and is liable in punitive damages to such discharged person, to be recovered by civil action; no person is prohibited from informing, by word or writing, any person to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge.

"1756. If any company or corporation in this State authorizes or allows any of its agents to blacklist, or any person does blacklist, any discharged employee, or attempts by word or writing or any other means whatever, to prevent any discharged employee, or any employee who may have voluntarily left said company's service, from obtaining employment with another person, except as provided for in the next preceding section, such company or corporation or person is liable in punitive damages to such employee so prevented from obtaining employment, to be recovered by him in civil action; and is also punishable as provided in paragraph 8467 of the Penal Code.

"1757. It is the duty of any person, after having discharged any employee from his service, upon demand by such discharged employee, to furnish him in writing a full, succinct, and complete statement of the reason of his discharge, and if such person refuses so to do within a reasonable time after such demand, it is unlawful thereafter for such person to furnish any statement of the reason of such discharge to any person, or in any way to blacklist or to prevent such discharged person from procuring employment elsewhere; subject to the penalties and damages prescribed in this chapter.

"8467. Every person who violates any of the provisions of Chapter XXI (now Chapter II), Title VII, Part III, of the Political Code, relating to the protection of discharged employees, and the prevention of blacklisting, is guilty of a misdemeanor."

Yours, very truly,

JOHN J. MCGUINNESS,
Secretary to Attorney General.

O'BRIEN EXHIBIT NO. 1.

Court House, Butte, Mont.

INDUSTRIAL RELATIONS COMMISSION.

DEAR SIRS: In accordance with my promise I herewith submit to you the names of men who the Amalgamated Co. sent home to vote on the night of May 19, 1914, also on the night of May 26 of the same year.

I wish to state that in my wide experience in the various mines of the world that I might be able to give some valuable testimony regarding removing the cause of tuberculosis in the mines of Butte.

Sincerely, yours,

WM. O'BRIEN.

Names of men who were sent home by the company to vote on above date: Have interviewed two of these men and they refuse to have their names submitted through fear of being blacklisted.—W. O'B.

EVANS EXHIBIT NO. 1.

In the District Court of the United States, District of Montana.

JOSEPH MODENA, AS ADMINISTRATOR, *v.* ANACONDA COPPER MINING CO. No. 151.

This action is for wrongful death. It was commenced in this court and in Silver Bow County, in the Butte division of this Federal district, where

the cause of action arose. For trial plaintiff moves to transfer it to Lewis and Clark County, in the Helena division. The motion is resisted. Like motions are made in three like cases. The grounds of the motion are that plaintiff can not have a fair or an impartial trial hereof in Silver Bow County and can not have such fair or impartial trial "before a jury or panel composed in whole or in part of residents of Silver Bow County or Deer Lodge County, in Montana." Said counties are two of four constituting the Butte division. The motion was heard on affidavits and oral testimony. The oral testimony was that of one of defendant's counsel, a witness for both parties, to certain employment of him and other of said counsel by others than defendant, to property purchases by defendant, and other matters of little materiality.

Plaintiff presented affidavits of twenty-three attorneys and four other persons, and defendant presented affidavits of thirty-one attorneys and forty-one other persons. Of these, defendant asserts plaintiff's are of attorneys interested in personal injury litigation and plaintiff retorts defendant's are of attorneys interested in corporation practice. In the main both are correct, with no apparent discredit to either.

Plaintiff's four affidavits other than by attorneys are by two persons interested in this and the like motions and one by a person who heretofore has been unsuccessful in a personal-injury action against defendant. Defendant's forty-one affidavits other than by attorneys are mostly by prominent and leading business men and public officers of the counties of Silver Bow and Deer Lodge, with some few by agents and employees of defendant. In substance, plaintiff's affidavits are that defendant is of great and preponderatory magnitude in the mining and smelting industries of said counties to the extent of employing therein nearly one-half the men thereof; that nearly all the people of said counties depend for support upon mining and the good will of defendant; that defendant's agents and servants have taken an interest in politics and have dominated conventions in Silver Bow County; that defendant and its agents have other business connections in said counties; that defendant maintains a card system to identify its employees; that defendant is of wealth and influence, and (note, one affidavit only by one of plaintiff's counsel to all the following) so great has been that influence in "the life political, economical, and judicial" of said counties it has established in the minds of the people thereof "a fear of deciding any cause against this corporation or against any other corporation in favor of an individual"; that in a little more than the last seven years, though many cases have been brought against defendant and other named corporations, affiant is informed and believes that there has not been a verdict rendered in Silver Bow County against any of said corporations; that in the last seven years, though personal-injury and death cases have been tried in this court sitting in Silver Bow County, affiant is informed and believes that there has not been a verdict rendered for any plaintiff; that affiant "avers that it is impossible for any ordinary litigant to secure a fair or an impartial trial in the above-entitled court before any jury consisting in whole or in part of residents of Silver Bow County or of residents of Deer Lodge County in Montana."

Twenty-six of plaintiff's affidavits are duplicate copies of a single blank original, wherein each attorney executing one inserted his name in the proper blank. These affidavits recite that affiants have "heard many people talk on the subject of whether any ordinary litigant or any litigant at all can have a fair and impartial trial before any jury whereon there are residents" of said counties. But this is a mere intrusive or detached statement and goes for nothing, for not only is there silence as to the tenor of the "talk" or of consensus of opinion by it expressed, if any was expressed, but it is not alleged it is in any way the basis of affiants' belief therein declared that "it is impossible in the above-entitled action to have a fair or an impartial trial of this cause before a jury consisting in whole or in part of residents" of said counties.

In substance defendant's affidavits are that the makers are in a position to know, and do know, the state of public opinion and sentiment in said counties in relation to the defendant; that there is not therein any bias or fear or favor or prejudice or sentiment making in behalf of defendant nor any dread or fear of defendant nor any condition, sentiment, or reason which in the affiants' opinion would in any way prevent plaintiff from securing a fair and impartial trial hereof in Silver Bow County and before a jury composed of residents of said counties; that they have never heard of any attempt by defendant to influence or punish any litigant, witness, or juror (note, plaintiff does not charge any thereof); that (note, affidavits by defendant's agents only) defend-

ant pays no attention to the residence of witnesses and jurors and neither seeks nor obtains information in respect to their conduct in any case; that defendant in no manner discriminates in its employments or otherwise because of witness or jury service or for any reason at all due to litigation.

And all those executing defendant's affidavits declare that they know of no reason, and believe none exists, why this case cannot be fairly and impartially tried herein and before a jury of residents of said counties, and that they believe a fair and impartial trial can be so had. In an affidavit by one of defendant's counsel it is stated that for years defendant's policy has been to settle, when resonably possible, all claims against it for personal injuries irrespective of liability; that in 1913 it settled 403 such claims; that since March, 1910, but two personal-injury cases against defendant have been tried in Silver Bow County, though 87 thereof have been there commenced, and almost all of which have been settled; that so far has defendant pursued this policy that to one of those executing an affidavit presented herein by plaintiff defendant paid $3,500 after his action for personal injuries against defendant had been upon trial finally disposed of adversely to him; that in a little more than seven years last past in the State court in Silver Bow County in actions against defendant or the other corporations named in plaintiff's affidavits six verdicts were rendered for plaintiffs and seven for defendants; that in the same period in this court sitting in said county in personal-injury or death actions, wherein juries were properly instructed and verdicts not directed, four verdicts were rendered for plaintiffs and six for defendants; that in the last five years in the State court in said county in personal-injury actions against the city of Butte and other corporations not of those named in plaintiff's affidavits a great many verdicts have been rendered for plaintiffs and approximately 40 for defendants, including 12 for said city. It is also therein alleged that efforts have long been made by one of plaintiff's counsel and others to promote "personal-injury business" and to that end in said counties, by political and other abuse, to create public sentiment adverse to defendant and other corporations, which is by said counsel in so far as he is concerned in effect denied.

It is further alleged that in none of the cases aforesaid in the State court was any effort made to secure a change of venue from Silver Bow County; that in said county juries, even as elsewhere, are inclined to return verdicts for plaintiffs in personal-injury cases "if any basis whatever can be found therefor," and that if this motion for transfer for trial be granted it will inconvenience witnesses, increase expense, and in effect establish that none of cases wherein defendant is a party shall be tried where they originate in Silver Bow County or before any jury whereon are residents of either of said counties. This statement of what court records show is undenied, has been verified in this court, and is taken as true in respect to the State court. It is first to be observed that by statute and rule of court of the force of statute the place of trial of this action is where it originated and was commenced. Both parties have a vested, substantial, and valuable right to have it there tried, of which neither of them can be involuntarily deprived save for good cause. Inability to there secure a fair trial or impartial trial would be good cause to transfer the action elsewhere for trial. The presumption is that a fair and impartial trial can be had where, in accordance with statute and rule, the action was commenced, and the party who alleges contrary has the burden to sustain it by a preponderance of legal evidence in quality and quantity sufficient to satisfy the court of the truth of his allegation. Here this burden is upon plaintiff, and he has not sustained it. No labored discussion of the affidavits is necessary to demonstrate this. It suffices to say that, taken as a whole, in quantity, quality, trustworthiness, and weight not only do defendant's affidavits balance and offset those of plaintiff, but they preponderate over them.

It is worthy of note that plaintiff attempts to prove too much. He goes far beyond the necessities of his motion and by most sweeping allegations embracing all and any litigation and parties, he would proscribe from any jury service the nearly 100,000 inhabitants of Silver Bow and Deer Lodge Counties. These are taken to be exaggerations and sought to be fortified by erroneous information and belief in respect to court records available to all. Exaggerations are not excused by zeal. They help no cause, and disproven to the extent here, discredit the proceedings wherein they appear. Stripped of nonessentials, argument, inferences, conclusions, and beliefs, not of themselves evidence save that in so far as conclusions and beliefs are based upon and supported by facts therein they may be considered. Plaintiff's affidavits are that defendant is of industrial preponderance in said counties and its many employees exercise

their political rights therein—insufficient to support the conclusion of the "fear" alleged and insufficient to warrant the belief alleged that plaintiff can not secure a fair and impartial trial in Silver Bow County. Both parties hereto have departed from the record and appealed the knowledge of the court. In proceedings of this character courts may and do resort to their own knowledge. In view of the premises the writer hereof will say that while a great variety of criticism of defendant, to put it mildly, justly or unjustly has been for years the chief plank in the platform of many members of all parties in Montana, so far as his experience of twenty years at the bar and on the bench of Silver Bow County and Montana, and some participation in the political activities of the county and State qualify him to speak, he has not believed and has had no reason to believe at any time that in the courts sitting in Silver Bow County or elsewhere in Montana any jury was either influenced by or infected with fear or any other unworthy emotion constraining or inducing it to favor defendant.

No substantial reason appears why this case can not be fairly tried in Silver Bow County before a jury drawn as the rule requires. Plaintiff's belief to the contrary may be founded on the erroneous information aforesaid. At any rate, although it is highly desirable that every litigant have confidence in the jury before which his cause will be tried, merely to inspire this confidence therein his opponent's right to a trial at a particular place is not to be denied. Substance must not be made to yield to shadow. The motion is denied, and a like order will be entered in each of the other cases.

BOURQUIN, J.

JULY 22, 1914.

EVANS EXHIBIT NO. 2.

In the Circuit Court of the United States, Ninth Circuit, District of Montana. 31st day April Term, 1909. Thursday, June 17, 1909. In open court.

MYRTLE NORTHAM AND HEDLEY NORTHAM, PLAINTIFFS,
vs.
BOSTON AND MONTANA COPPER AND SILVER MINING CO., A CORPORATION, DEFENDANT. No. 906.

This cause, heretofore submitted to the court upon motion of defendant to transfer said cause from records at Helena, Mont., to records of Butte, Mont., came on regularly at this time for the decision of the court, and, after due consideration, it is ordered that said motion be granted and cause ordered transferred. Exception of plaintiff to said ruling noted.

Entered, in open court, June 17, 1909.

GEO. W. SPROULE, *Clerk.*

Attest: A true copy of order.

GEO. W. SPROULE, *Clerk.*

[SEAL.] By C. R. GARLOW,
Deputy Clerk.

MAURY EXHIBIT NO. 1.

In the District Court of the United States, for the District of Montana.

At law. Complaint. No. 151.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

Plaintiff complains, and for a cause of action, alleges:

1. That Corrado Modena died on August 19, 1913.

2. That Joseph Modena, this plaintiff, was by order and judgment of the district court of the second judicial district of the State of Montana, in and for the county of Silver Bow, duly and regularly appointed administrator of the estate of Corrado Modena on the 31st day of January, 1913, and he immediately thereafter qualified as such administrator, and is now the duly appointed, qualified, and acting administrator of said estate.

3. That Joseph Modena is an alien; that he is a citizen and subject of the King of Italy.

4. That the defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Montana, and a citizen of said State.

5. That the amount involved in this controversy is of a greater amount than the sum of three thousand ($3,000.00) dollars, exculsive of costs and interest, and is of the sum of twenty thousand ($20,000.00) dollars.

6. That the defendant on the 19th day of August, 1913, and for several years prior thereto, carelessly and negligently maintained a pond of water close to the town of Meaderville, in Silver Bow County, Montana; that said pond was very attractive to children, and a large number of children, more than one hundred (100), living in and about said Meaderville were attracted to said pond and were accustomed to play in and about said pond almost daily for more than a year prior to the said 19th day of August, 1913, with the knowledge and consent of the defendant; that the said pond was through the negligence of the defendant left open and entirely unguarded; that said pond, through the negligence of the defendant, contained a deep hole, to wit, about twelve (12) feet deep in the center thereof with perpendicular sides or walls; that said pond, through the negligence of the defendant, was filled with murky copper water, the same being very poisonous and dangerous to human beings, and it was also impossible for persons to see beneath the surface of the same.

7. That on the said 19th day of August, 1913, plaintiff's decedent, Corrado Modena, a boy of about eight (8) years of age, while exercising due care and caution on his part, was attracted to said pond, and while playing in and about the same fell into said deep hole in the center thereof, and his mouth, stomach, lungs, and internal organs were filled with said copper water, and he died from the effects thereof about ten or fifteen minutes thereafter.

8. That said Corrado Modena was a bright and intelligent boy for his age, of good capacity to work, and would have earned much money after he became twenty-one (21) years old but for the wrongful and negligent acts of the defendant herein set out; that by the wrongful and negligent acts of the defendant herein set out the said Corrado Modena was deprived of a long and happy existence, his earning capacity was completely destroyed, he was caused to suffer great physical and mental pain and anguish, all to his damage in the sum of twenty thousand ($20,000.00) dollars.

9. That between the wrongful and negligent acts of the defendant herein set out and the falling by said Corrado Modena into said hole in said pond and the death of said Corrado Modena he had a cause of action against this defendant; that the same was not prosecuted prior to his death, and is now being prosecuted by this plaintiff.

Wherefore plaintiff prays judgment against the defendant for the sum of twenty thousand ($20,000.00) dollars and costs of suit.

II.

Plaintiff, for a second cause of action against the defendant, complains and alleges:

1. That Corrado Modena died on August 19, 1913.

2. That Joseph Modena, this plaintiff, was by order and judgment of the District Court of the Second Judicial District of the State of Montana, in and for the county of Silver Bow, duly and regularly appointed administrator of the estate of Corrado Modena on the 31st day of January, 1913, and he immediately thereafter qualified as such administrator, and is now duly appointed, qualified, and acting administrator of said estate.

3. That Joseph Modena is an alien; that he is a citizen and subject of the King of Italy.

4. That the defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Montana and a citizen of said State.

5. That the amount involved in this controversy is of a greater amount than the sum of three thousand ($3,000.00) dollars exclusive of costs and interest, and is of the sum of twenty thousand ($20,000.00) dollars.

6. That the defendant on the 19th day of August, 1913, and for many months prior thereto, carelessly and negligently, upon its property, maintained and permitted a shaft, drift, and cut more than ten (10) feet deep to remain open, exposed, and unprotected without any cover over the same or any fence around the same, the same being within the limits of the town of Meaderville, Silver Bow County, Montana, and within one mile of the corporate limits of the city of Butte, Silver Bow County, Montana, and the same also being within three

hundred (300) feet of a street, road, and public highway of the said town of Meaderville, and the said city of Butte, and the said county of Silver Bow, Montana; that the plaintiff's decedent, Corrado Modena, on the said 19th day of August, 1913, while exercising due care and caution on his part, and while playing about said open, exposed, and unprotected shaft, drift, and cut, fell into the same and received such grievous personal injuries that he died therefrom on said day about ten or fifteen minutes after falling into the same.

7. That said Corrado Modena was a bright and intelligent boy for his age, of good capacity to work, and would have earned much money after he became twenty-one (21) years old but for the wrongful and negligent acts of the defendant herein set out; that by wrongful and negligent acts of the defendant herein set out the said Corrado Modena was deprived of a long and happy existence, his earning capacity was completely destroyed, he was caused to suffer great physical and mental pain and anguish, all to his damage in the sum of twenty thousand ($20,000.00) dollars.

8. That between the wrongful and negligent acts of the defendant herein set out and the falling by said Corrado Modena into said shaft, drift, and cut, and the death of said Corrado Modena he had a cause of action against this defendant; that the same was not prosecuted prior to his death, and is now being prosecuted by this plaintiff.

Wherefore plaintiff prays judgment against the defendant for the sum of twenty thousand ($20,000.00) dollars and costs of suit.

Plaintiff, however, prays for but one judgment for the sum of twenty thousand ($20,000.00) dollars and costs of suit.

B. K. WHEELER,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

UNITED STATES OF AMERICA, STATE OF MONTANA,
County of Silver Bow, ss:

Joseph Modena, being first duly sworn, deposes and says: I, as administrator of the estate of Corrado Modena, am the plaintiff in the above-entitled action; I have heard read the above and foregoing complaint and know the contents thereof; the same is true to the best of my knowledge, information, and belief.

[SEAL.] JOSEPH MODENA.

Subscribed and sworn to before me this 4th day of Feb., 1914.

J. D. EASAN, Jr.,
Notary Public for the State of Montana, Residing at Butte, Mont.

My commission expires October 1, 1916.
Filed February 6, 1914.

United States of America, District Court of the United States, District of Montana.

No. 151. Action brought in the said district court and the complaint filed in the office of the clerk of said district court, in the city of Butte, County of Silver Bow.

JOSEPH MODENA, AS ADM. OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

The President of the United States of America, greeting, to the above-named defendant, Anaconda Copper Mining Company, a corporation:

You are hereby summoned to answer the complaint in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Witness the honorable Geo. M. Bourquin, judge of the United States district court, district of Montana, this 6th day of February, in the year of our Lord one thousand nine hundred and fourteen and of our independence the 138.

[SEAL.] GEO. W. SPROULE, *Clerk.*
By HARRY H. WALKER, *Deputy Clerk.*

Filed February 7, 1914.

UNITED STATES OF AMERICA,
District of Montana, ss:

I hereby certify and return that I served the annexed summons on the thereinnamed Anaconda Copper Mining Company, a corporation, by handing to and leaving a true and correct copy thereof with C. F. Kelley, vice president of said company, together with a true copy of bill of complaint, in said action certified to by clerk of U. S. district court, service made at Butte, County of Silver Bow, on the 6th day of February, 1914.

WILLIAM LINDSAY,
United States Marshal.
By GEORGE A. MCKAY, *Deputy.*

In the District Court of the United States for the District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

DEMURRER.

I.

Comes now the above-named defendant and demurs to the first cause of action attempted to be set forth in the complaint of plaintiff, upon the ground and for the reason that the same does not state facts sufficient to constitue a cause of action against this defendant.

II.

Defendant demurs to the second cause of action attempted to be set forth in the complaint of plaintiff, upon the ground and for the reason that the same does not state facts sufficient to constitute a cause of action against this defendant.

III.

Defendant demurs to the complaint of plaintiff upon the following grounds and reasons:

First. That the said complaint does not state facts sufficient to constitute a cause of action against this defendant.

Second. That the court has no jurisdiction of the person of the defendant or of the defendant.

Third. That the court has no jurisdiction of the subject of the action.

C. F. KELLEY, L. O. EVANS,
W. B. ROGERS & D. GAY STIVERS,
Attorneys for Defendant.

Filed February 26, 1914.

Service of the foregoing admitted and copy received this 26th day of February, A. D. 1914.

MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

In the District Court of the United States, District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

ANSWER.

First.

Now comes the defendant and, for answer to the first cause of action set up in plaintiff's complaint, admits, denies, and alleges as follows, to wit:

1. Defendant admits that Corrado Modena died on August 19, 1913.

2. As to whether or not the facts alleged in paragraph 2 of said plaintiff's first pretended cause of action are true, this defendant denies that it has any knowledge or information thereof sufficient to form a belief.

3. As to whether or not Joseph Modena is an alien, or as to whether or not he is a citizen, and subject of the King of Italy, defendant denies that it has any knowledge or information thereof sufficient to form a belief.

4. Defendant admits paragraph 4 of said first pretended cause of action, and also paragraph 5 thereof.

5. Defendant denies that on the 19th day of August, 1913, or for several years prior thereto, or at any time or at all, it carelessly or negligently, or carelessly and negligently, maintained a pond of water close to the town of Meaderville, in Silver Bow County, Montana, or elsewhere; denies that at said times, or at any other time, it maintained a pond of water close to the town of Meaderville, in Silver Bow County, Montana, other than to the extent and in the manner as hereinafter in this answer set out; denies that said pond was very, or at all, attractive to children, or that a large number of children, more than one hundred, or any other number of children, were attracted to said pond; denies that a large number of children, more than one hundred, or any other number of children living in and about Meaderville or elsewhere, were accustomed to play on and about said pond almost daily, or at all, for more than a year prior to the said 19th day of August, 1913, or for any time prior thereto, with the knowledge and consent, or knowledge or consent, of the defendant, or with or without such knowledge or consent; but admits that on the said 19th day of August, 1913, certain children did play on or about a small pond or body of water situated upon lands belonging to the said defendant; but denies that such playing of such children thereon was with the knowledge and consent, or knowledge or consent, of the defendant; denies that said pond was, through the negligence of the defendant, or otherwise, left open and entirely unguarded, or left open or unguarded; denies that said pond, through the negligence of the defendant, contained a deep hole, to wit, about twelve feet deep, in the center thereof, with perpendicular sides or walls, or contained a hole of any depth whatever other than a depth of about eight or nine feet; denies that said pond, through the negligence of the defendant, or otherwise or at all, was filled with murky copper water or that the water therein was very poisonous, or poisonous at all, or dangerous to human beings on account of poisons contained therein; and denies that it was impossible for persons to see beneath the surface of the same.

6. Denies that on or about the 19th day of August, 1913, plaintiff's decendent, Corrado Modena, while exercising due care and caution, or due care or caution, on his part, was attracted to said pond, but admits that the said Corrado Modena went to said pond or pool of water, and went and waded therein; denies that while playing in and about the same, the said Corrado Modena fell into said deep hole in the center thereof, or got into said deep holes at all, other than as hereinafter stated in this answer; denies that his mouth, stomach, lungs, and internal organs, or his mouth, stomach, lungs, or internal organs, were filled with copper water and denies that he died from the effects thereof, about ten or fifteen minutes thereafter; or from the effect of any poisonous or copper water; but alleges the fact to be that the said Modena went into said pool or pond of water which said pool or pond of water was not poisonous, and while in said pool or pond of water, attempted to get upon a log or railroad tie therein situate, and ride thereon and that in doing so he got into water beyond his depth and was drowned from the effects thereof, and that his death by reason of such drowning was instantaneous and contemporaneous with the time of his getting into water over his head and beyond his depth.

Defendant admits that the said Corrado Modena was a boy about eight years of age, but as to the exact age of the said Corrado Modena this defendant denies that it has any knowledge or information thereof sufficient to form a belief.

7. Defendant admits that said Corrado Modena was a bright and intelligent boy for his age; denies that he was of good capacity to work, and would have earned much or any money after he became twenty-one years old but for the alleged wrongful and negligent or wrongful or negligent acts of the defendant, set out in plaintiff's complaint; denies that said defendant was guilty of any wrongful and negligent or wrongful or negligent acts set out in plaintiff's complaint; denies that by the wrongful and negligent acts, or by any wrongful and negligent or wrongful or negligent acts of the defendant the said Corrado Modena was deprived of a long and happy existence or a long or happy existence, or his earning capacity was completely or otherwise destroyed; denies

that by any wrongful and negligent or wrongful or negligent acts of the defendant, set out in plaintiff's complaint, the said Corrado Modena was caused to suffer great or other physical and mental pain and anguish or pain or anguish, to his damage in the sum of twenty thousand dollars, or in any other sum whatsoever.

8. Defendant denies each and every other allegation contained in plaintiff's pretended first cause of action, not hereinbefore expressly admitted or denied.

Second.

For a first, separate, and affirmative defense to plaintiff's first pretended cause of action, defendant alleges: That on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley Mine, and that upon said tract of land there was located and situated a certain pond or pool of water which is the pond or pool of water mentioned in plaintiff's pretended first cause of action; that prior to the acquisition of title to said land by said defendant, the predecessors in interest, and the then owners of said tract of land, had made and constructed an excavation upon the same for the sole purpose of building thereon a smelting and reduction plant and making a boiler room to be used in connection with said smelting and reduction plant, which said smelting and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest leaving upon said land the said excavation as aforesaid, and that said excavation at no point therein exceeded in depth eight or nine feet from the rim of the same to the bottom itself; that said excavation was so situated that when, and after said smelting plant was dismantled as aforesaid, natural waters from the surface of the earth, caused by heavy rains and melting snows, settled and remained therein, and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used by the said defendant for the purpose of a receptacle for certain waters from the boiler room and from the boilers and from the dry used in connection with the operation of said Berkeley mine, and that said waters were drained out of and away from said Berkeley mine and said boilers, boiler room, and dry thereof, by means of an artificial watercourse and pipe line, into said excavation; that said excavation was inclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were inclosed also by a wall which came up to the surface of the waters contained therein, and was clearly visible, and could be seen by any person who was in or about said excavation, or the waters therein.

That on or about the 19th day of August, 1913, the said Corrado Modena went to said pond or pool of water in connection with two or three other boys, some of whom were about as old and others older than he, and went upon the lands so belonging to the defendant as aforesaid and waded in said water and about said pond; that the said Modena fully knew and understood the conditions of said pond, as herein related, and fully knew and understood and appreciated all dangers of death or injury to himself should he get into said water over his depth and any and all dangers of drowning in said water; that shortly prior to the time of his death he was warned by a man passing there by of the dangers attendant thereon and directed and ordered to leave and go away from said pond of water; that there was at that time floating upon said water a log or railroad tie or piece of timber, and that the said Modena attempted to mount said log, railroad log, or timber and ride thereon over the deepest portion of said water; and that thereupon he was warned by one of his companions not to do so, and notified that it was dangerous and that the water was deep; and that notwithstanding such warnings as aforesaid and such full knowledge and appreciation on the part of the said Modena he voluntarily and of his own free will remained in and about said water and waded therein and went into said deeper portion of said water and attempted to mount and ride upon said log, thereby getting into water over his head, and was by reason thereof drowned, and the drowning of said Modena occurred by reason of conditions which were obvious, open, notorious, well understood by and appreciated by the said Modena; and when the said Modena voluntarily went into said pool of water and remained therein, as herein stated, and went about said deeper portions of said pool of water, as herein stated, and failed to observe the warnings of other persons, as herein stated, he assumed all risk of injury or death

by reason of drowning or getting quantities of water in his lungs or stomach, or all risk of injury or death accruing to him in the manner set out in plaintiff's complaint, and this defendant is not liable therefor.

Third.

Defendant for a further, second, separate, and affirmative defense to plaintiff's pretended first cause of action alleges:

That on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley mine, and that upon said tract of land there was located and situated a certain pond or pool, which is the pond or pool of water mentioned in plaintiff's pretended cause of action; that prior to the acquisition of title to said land by the said defendant the predecessors in interest and the then owners of said tract of land had made and constructed an excavation upon the same for the sole and only purpose of building thereon a smelting and reduction plant and making a boiler room to be used in connection with said smelting plant, which said smelting plant and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest, leaving upon said land the said excavation as aforesaid, and that said excavation at no point therein exceeded in depth eight or nine feet from the rim of the same to the bottom thereof; that said excavation was so situated that when and after said smelting plant was dismantled as aforesaid natural waters from the surface of the earth caused by heavy rains and melting snows settled and remained therein, and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used by the said defendant for the purpose of a receptacle for certain waters from the boiler room and from the boilers and from the dry used in connection with the operation of said Berkeley mine, and that said waters were drained out of and away from said Berkeley mine and said boilers, boiler room, and dry thereof by means of an artificial watercourse and pipe line into said excavation; that said excavation was inclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were inclosed by a wall which came up to the surface of the waters contained therein, and was clearly visible and could be seen by any person who was in or about said excavation or the waters therein.

That on or about the 19th day of August, 1913, the said Modena fully knew and understood the conditions of said poind as herein related, and fully knew and understood and appreciated all dangers of death and injury to himself should he get into said water over his depth, and any and all danger of drowning in said water; that on said day the said Modena went to said pond or pool of water accompanied by two or three other boys, some of whom were about as old and others older than he, and went upon and over the lands so belonging to the defendant aforesaid, and negligently waded in said water and about said pond; that shortly prior to the time of his death he was warned by a man passing there by of the dangers attendant thereon, and directed and ordered to leave and go away from said pond of water; that there was at that time floating upon said water a log or railroad tie or piece of timber; that the said Modena was warned by one of his companions that the water in said pond was deep and that it was dangerous, and that it was dangerous to attempt to mount and ride upon said log or piece of timber; that notwithstanding said warnings so given to the said Modena, and his full appreciation and understanding of the danger of drowning in said water, and the said Modena continued to negligently wade and play in and about the said water; and the said Modena negligently attempted to mount said log, railroad tie, or piece of timber so floating upon said water, and negligently went into said deeper portion of said water, thereby getting into water over his head, and was, by reason of his said negligence, drowned in said pool of water, all of which negligence upon the part of said Modena was a proximate cause of his injury and death, without which his injury and death would not have occurred; and if the said death of the said Modena occurred by reason of any negligent act or acts charged by the plaintiff in said pretended first cause of action against the defendant the said negligent acts of the said Modena in so wading in said water as aforesaid, and in so failing to heed the warnings so given him as aforesaid, and in so getting into the water over his head as aforesaid, and in so attempting to mount said log, railroad tie, or piece of timber as aforesaid,

under the conditions aforesaid, combined and concurred with the negligent acts of the defendant, if any, and contributed directly as a proximate cause to the injury and death of the said Modena, and without which his injury and death would not have occurred.

II.

For answer to plaintiff's pretended second cause of action, alleged and set out in plaintiff's complaint, defendant admits, denies, and alleges as follows, to wit:

First.

1. Defendant admits that Corrado Modena died on August 19, 1913.

2. As to whether or not the facts alleged in paragraph 2 of said plaintiff's pretended second cause of action are true this defendant denies that it has any knowledge or information thereof sufficient to form a belief.

3. As to whether or not Joseph Modena is an alien, or as to whether or not he is a citizen, and subject of the King of Italy, defendant denies that it has any knowledge or information thereof sufficient to form a belief.

4. Defendants admits paragraph 4 of said second pretended cause of action, and also paragraph 5 thereof.

5. Defendant denies that on the 19th day of August, 1913, or for many months prior thereto, it carelessly and negligently or carelessly or negligently, upon its property or elsewhere, maintained and permitted, or maintained or permitted, a shaft, drift, and cut, or a shaft, drift, or cut more than ten feet deep, or of any other depth, to remain open or exposed or unprotected, or without any cover over the same, or any fence around the same; denies that any shaft, drift, or cut upon the property of the defendant was within the limits of the town of Meaderville, Silver Bow County, Montana, or within one mile of the corporate limits of the city of Butte, Silver Bow County, Montana, or within three hundred feet of a street, road, or public highway of the said town of Meaderville, or the said city of Butte, or the said county of Silver Bow, Montana; denies that the place into which it is alleged the said Corrado Modena fell was either a shaft or drift or a cut; denies that the said Corrado Modena on the 19th day of August, 1913, or any other time, or at all, while exercising due care and caution, or due care or caution on his part, or while playing about any open, exposed, and unprotected, or open, exposed, or unprotected shaft, drift, and cut, or shaft or drift or cut, fell into the same, and denies that by falling into any shaft, drift, and cut, or shaft, drift, or cut the said Modena received any personal injuries whatever, or that he died from any personal injuries received by falling into a shaft, drift, and cut or shaft, drift, or cut on said day, or upon any other day, or about ten or fifteen minutes after falling into the same, or anytime whatever thereafter.

6. Defendant admits that said Corrado Modena was a bright and intelligent boy for his age; denies that he was of good capacity to work and would have earned much of any money after he became twenty-one years of age but for the alleged wrongful and negligent, or wrongful or negligent, acts of the defendant, set out in plaintiff's complaint; denies that said defendant was guilty of any wrongful and negligent, or wrongful or negligent acts, set out in plaintiff's complaint; denies that by the wrongful and negligent acts, or by any wrongful and negligent, or wrongful or negligent, acts of the defendant the said Corrado Modena was deprived of a long and happy existence, or long or happy existence, or his earning capacity was completely or otherwise destroyed; denies that by any wrongful and negligent, or wrongful or negligent, acts of the defendant, set out in plaintiff's complaint, the said Corrado Modena was caused to suffer great or other physical or mental pain and anguish, or any pain or anguish, to his damage in the sum of twenty thousand dollars, or in any other sum whatsoever.

7. Defendant denies each and every other allegation contained in plaintiff's pretended second cause of action not hereinbefore specifically admitted or denied.

Second.

For a first, separate, and affirmative defense to plaintiff's second pretended cause of action defendant alleges:

That on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley mine, and that upon

said tract of land there was located and situated a certain pond or pool of water, which is the pond or pool of water mentioned in plaintiff's pretended second cause of action; that prior to the acquisition of the title to said land by the said defendant the predecessors in interest and the then owners of said tract of land had made and constructed an excavation upon the same for the sole and only purpose of building thereon a smelting and reduction plant and making a boiler room to be used in connection with said smelting and reduction plant, which said smelting and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest, leaving upon said land the said excavation as aforesaid, and that said excavation at no point therein exceeded in depth eight or nine feet from the rim of the same to the bottom thereof; that said excavation was so situated that when and after said smelting plant was dismantled as aforesaid, natural waters from the surface of the earth, caused by heavy rains and melting snows, settled and remained therein, and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used by the defendant, for the purpose of a receptacle for certain waters from the boiler room and from the boilers and from the dry used in connection with the operation of said Berkeley mine, and that said waters were drained out of and away from said Berkeley mine and said boilers, boiler room, and dry thereof by means of an artificial water course and pipe line into said excavation; that said excavation was enclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were enclosed by a wall which come up to the surface of the waters contained therein, and was clearly visible and could be seen by any person who was in or about said excavation or the waters therein.

That on or about the 19th day of August, 1913, the said Corrado Modena went to said pond or pool of water in connection with two or three other boys, some of whom were about as old, and others older, than he, and went upon the lands so belonging to the defendant as aforesaid, and waded in said water and about said pond; that the said Modena fully knew and understood the conditions of said pool as herein related and fully knew and understood and appreciated all dangers of death or injury to himself should he get into said water over his depth, and any and all dangers of drowning in said water; that shortly prior to the time of his death he was warned by a man passing thereby of the dangers attendant thereon and directed and ordered to leave and go away from said pond of water; that there was at that time floating upon said water a log or railroad tie or piece of timber, and that the said Modena attempted to mount said log, railroad tie, or timber and ride thereon over the deepest portion of said water; that thereupon he was warned by one of his companions not to do so, and notified that it was dangerous, and that the water was deep, and that notwithstanding such warnings as aforesaid, and such full knowledge and appreciation on the part of the said Modena, he voluntarily and of his own free will remained in and about said water and waded therein and went into said deeper portion of said water and attempted to mount and ride upon said log, thereby getting into water over his head, and was by reason thereof drowned, and the drowning of said Modena occured by reason of conditions which were obvious, open, notorious, well understood by and appreciated by the said Modena, and when the said Modena voluntarily went into said pool of water and remained therein, as herein stated, and attempted to mount said log, as herein stated, and went about said deeper portions of said pool of water, as herein stated, and failed to observe the warnings of other persons, as herein stated, he assumed all risk of injury or death by reason of drowning, or getting qantities of water in his lungs or stomach, or all risk of injury or death, accruing to him in the manner set out in plaintiff's complaint, and this defendant is not liable therefor.

Third.

Defendant, for a further second, separate, and affirmative defense to plaintiff's pretended second cause of action, alleges:

That on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley mine, and that upon said tract of land there was located and situated a certain pond or pool of water, which is the pond or pool of water mentioned in plaintiff's pretended

second cause of action; that prior to the acquisition of title to said land by the said defendant, the predecessors in interest, and the then owners of said tract of land, had made and constructed an excavation upon this same for the sole and only purpose of building thereon a smelting and reduction plant and making a boiler room to be used in connection with said smelting and reduction plant, which said smelting and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest, leaving upon said land the said excavation as aforesaid, and that said excavation at no point therein exceeded in depth eight or nine feet from the rim of the same to the bottom thereof; that said excavation was so situated that when, and after said smelting plant was dismantled, as aforesaid, natural waters from the surface of the earth, caused by heavy rains and melting snows, settled and remained therein, and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used by the said defendant for the purpose of a receptacle for certain waters from the boiler room and from the boilers and from the dry used in connection with the operation of said Berkeley mine, and that said waters were drained out of and away from said Berkeley mine and said boilers and boiler room and dry thereof by means of an artificial water course and pipe line into said excavation; that said excavation was enclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were enclosed also by a wall which came up to the surface of the waters contained therein and was clearly visible and could be seen by any person who was in or about said excavation or the waters therein.

That on or about the 19th day of August, 1913, the said Modena fully knew and understood the condition of said pond as herein related and fully knew and understood and appreciated all dangers of death or injury to himself should he get into said water over his depth and any and all danger of drowning in said water; that on said day the said Modena went to said pond or pool of water, accompanied by two or three other boys, some of whom were about as old, and others older than he, and went upon and over the lands so belonging to the defendant as aforesaid and negligently waded in said water and about said pond; that shortly prior to the time of his death he was warned by a man passing thereby of the dangers attendant thereon and directed and ordered to leave and go away from said pond of water; that there was at that time floating upon said water a log or railroad tie or piece of timber; that the said Modena was warned by one of his companions that the water in said pond was deep, and that it was dangerous, and that it was dangerous to attempt to mount and ride upon said log or piece of timber; that notwithstanding said warnings so given to the said Modena and his full appreciation and understanding of the danger of drowning in said water the said Modena continued to negligently wade and play in and about the said water, and the said Modena negligently attempted to mount said log, railroad tie, or piece of timber so floating upon said water and negligently went into said deeper portion of said water, thereby getting into water over his head and was, by reason of his said negligent conduct, drowned in said pool of water, all of which negligence upon the part of said Modena was a proximate cause of his injury and death, without which his injury and death would not have occurred; and if the said death of the said Modena occurred by reason of any negligent act or acts charged by the plaintiff in said pretended second cause of action against the defendant, the said negligent acts of the said Modena in so wading in said water, as aforesaid, and in so failing to heed the warnings so given him, as aforesaid, and in so getting into water over his head, as aforesaid, and in so attempting to mount said log, railroad tie, or piece of timber, as aforesaid, under the conditions aforesaid, combined and concurred with the negligent acts of the defendant, if any, and contributed directly as a proximate cause to the injury and death of the said Modena, and without which his injury and death would not have occurred.

Wherefore defendant having fully answered the complaint of plaintiff herein, prays to be dismissed hence with its costs.

C. F. Kelley, L. O. Evans,
W. B. Rodger & D. Gay Stivers,
Attorneys for Defendant.

STATE OF MONTANA,
County of Silver Bow, ss:

C. F. Kelley, being first duly sworn, on oath deposes and says: That he is an officer of the defendant Anaconda Copper Mining Company, in the above entitled action, to wit, the vice president thereof, and makes this verification for and on behalf of said corporation; that he has read the foregoing answer, knows the contents thereof, and that the same is true to his best knowledge, information, and belief.

C. F. KELLEY.

Subscribed and sworn to before me this 13th day of May, 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires January 27, 1915.

Service of the foregoing answer admitted and copy received this 13th day of May, 1914.

B. K. WHEELER, A. A. GRORUD,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

Filed May 13, 1914.

In the District Court of the United States in and for the District of Montana.

Notice. No. 151.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

To the defendant above named, and to Messrs. L. O. Evans, its chief counsel, and D. Gay Stivers and W. B. Rodgers, its attorneys: Gentlemen, take notice:

That on Monday morning, the 25th day of May, 1914, at the hour of ten o'clock, or as soon thereafter as counsel will be heard, the plaintiff will present to the above-entitled court in the Federal Building at Butte, Montana, the motion hereunto annexed.

Dated, May 20, 1914.

B. K. WHEELER, A. A. GRORUD,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

Service of the above notice admitted and copy received this 20th day of May, 1914.

C. F. KELLEY, L. O. EVANS,
W. B. RODGERS & D. GAY STIVERS,
Attorneys for Defendant.

In the District Court of the United States in and for the District of Montana.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

MOTION TO CHANGE THE PLACE OF TRIAL.

Now comes the plaintiff above named and respectfully moves to change the place of trial of the above-entitled action from Butte, in the county of Silver Bow, in Montana, to Helena, in the county of Lewis and Clark, in Montana.

This motion will be based upon the affidavit of M. Kerr Beadle, C. N. Davidson, Homer G. Murphy, A. A. Grorud, I. G. Deeny, J. D. Eason, jr., George B. Dygert, M. J. English, P. E. Geagan, L. M. Van Etten, H. L. Clinton, J. O. Davies, H. A. Tyvand, Wm. F. Davis, Timothy F. Nolan, Lewis P. Donovan, Edward C. Smith, Alexander Macken, Charles A. Wallace, and Lowndes Maury (two).

It will be based upon further affidavits to be served previous to the motion. It will be based upon oral testimony to be given at the hearing of the motion;

and the ground of the motion is that the plaintiff can not have a fair or an impartial trial of the above-entitled action in Silver Bow County, Montana, wherein is the department of the court where the cause is pending; and on the ground that the plaintiff can not have a fair or an impartial trial of the above-entitled action before a jury or a panel composed in whole or in part of residents of Silver Bow County or Deer Lodge County in Montana; and on the further ground that this is an action at law properly tryable to a jury and no jury has been waived by the plaintiff.

B. K. WHELLER, A. A. GRORUD,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

In the District Court of the United States in and for the District of Montana.

At law.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING CO., A CORPORATION, DEFENDANT.

AFFIDAVIT.

STATE OF MONTANA,
County of Silver Bow, ss:

Lowndes Maury, being duly sworn on his oath, does say: I am resident of Silver Bow County, Mont., and have resided therein for 19 years last past. I am by occupation a lawyer. I am acquainted with the defendant Anaconda Copper Mining Co. The defendant is engaged in quartz mining in said county, and is engaged in smelting and treating the ores mined in Silver Bow County, in Deer Lodge County, Mont., near the city of Anaconda, and has been so engaged in quartz mining and smelting in the said counties for more than 10 years last past. The principal and almost the only industry in Silver Bow County is that of mining. The principal industry of Deer Lodge County, and the principal industry in or near the city of Anaconda therein, is smelting.

The defendant Anaconda Copper Mining Co. owns, operates, and controls nearly all of the important mines in Silver Bow County. Nearly all of the inhabitants of Silver Bow County and of the cities of Butte, Walkerville, and towns of Centerville and Meadersville therein, are dependent either directly or indirectly for subsistence and support upon the mining industry and upon the good will of the defendant. The defendant employs, directly or indirectly, in the said counties of Silver Bow and Deer Lodge far more than ten times as many laborers than any other employer of labor in the said counties or in either of them.

That affiant in a general way is familiar with the history of the trial of cases had in Silver Bow County during 10 years last past, wherein defendant has been a party; that affiant has heard many people talk on the subject of whether any ordinary litigant, or any litigant at all, can have a fair and impartial trial before any jury wherein there are residents of Silver Bow County or of Deer Lodge County.

That affiant verily believes that it is impossible for the plaintiff in the above-entitled action to have a fair or an impartial trial of this cause before a jury consisting, in whole or in part, of residents of Silver Bow County or of Deer Lodge County.

LOWNDES MAURY.

Subscribed and sworn to before me this 18th day of May, 1914.

[SEAL.] J. D. EASON, Jr.
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires October 1, 1916.

(NOTE OF SHORTHAND REPORTING CO.—Identically the same affidavit is made by the persons listed below, but for the sake of brevity we omit the body of the affidavit in each case.)

Name of affiant.	Years in Silver Bow County.	Occupation.	Years familiar with trial of cases.
Chas. A. Wallace	Nine	Lawyer	Five.
Alexander Mackel	Fifteen	do	Fifteen.
Edward C. Smith	Three	do	Three.
Louis P. Donovan	Eight	do	Seven.
Timothy F. Nolan	Ten	do	Ten.
Wm. F. Davies	Thirteen	do	Thirteen.
H. A. Tyvand	Two	do	Two.
J. O. Darnier	Seven	do	Seven.
R. L. Clinton	Fifteen	do	Ten.
L. M. Van Etten	Seven	do	Seven.
P. E. Geagan	Twelve	do	Eight.
M. J. English	Sixteen	do	Sixteen.
George B. Dygert	Eighteen	do	Ten.
J. D. Eason, jr	Nineteen months	do	Nineteen months.
I. G. Denny	Thirteen years	do	Thirteen years.
A. A. Grorud	Nine	do	Five.
Homer G. Murphy	Eleven	do	Six.
C. N. Davidson	Thirteen	do	Thirteen.
M. Kerr Beadle	Fifteen	do	Ten.
B. K. Wheeler	Eight	do	Eight.
Frank Ostermann	Seven	Miner	Seven.
Susie Mardonin	Ten	Widow	Ten.
Jalmar Koskinen	Eight	Miner	Eight.
Dennis P. Leary	Twenty-two	do	Eleven.
Ed. Fitzpatrick	Twelve	Lawyer	Six.

In the District Court of the United States in and for the District of Montana.

JOSEPH MODENA, AS ADMINISTRATOR OF CORRADO MODENA, DECEASED, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

AFFIDAVIT OF LOWNDES MAURY.

STATE OF MONTANA,
County of Silver Bow, ss:

Lowndes Maury, being first duly sworn, on his oath does say:

I am by occupation and profession an attorney at law. I have lived in Butte for more than 19 years last past, and practiced my profession of law there and elsewhere in the northwest portion of the United States for more than 16 years. I am a member of the law firm of Maury, Templeman & Davies. I have been trusted with a large measure of the litigation in Silver Bow County for the last seven or eight years. I have been attorney of record in the courts of Silver Bow County and in the United States district and circuit courts in more than 100 pending cases at one time and often. I have been city attorney of the city of Butte for a term of two years, and at the time that I took office as such there were pending undetermined actions at law and suits in equity in which the city was interested, more than 85 and almost all of these were tried and disposed of during my term of office, and in such trials I gave personal attention to all of them except two or three in which I was disqualified by reason of my having appeared or given advice concerning the same before my appointment as city attorney, and I personally was present and assisting my deputies in the trials of almost all of these 85 cases; and many more cases were commenced in which the city was interested during my term of office, and in which cases I appeared and conducted the trial. So tense has been the litigation for the city, and so voluminous has it been, and such litigation as that I was interested as an attorney, that in one day 5 cases in which the city was a party were presented by argument to the Supreme Court of Montana (and in some of these I wrote the briefs), and on the same day 16 cases consolidated into 1 against the city were being defended by me personally in Silver Bow County.

I have had experience as an attorney and counselor at law, retained by the year to serve for Butte Electric & Power Co., Montana Power Transmission Co., Billings & Eastern Montana Power Co., Madison River Power Co., and other concerns, finally merged into the Montana Power Co.

I have had experience in the prosecution and defense of many personal-injury and death cases outside of the previous matters hereinabove described. More than seven years ago, in a meeting of the bar association of Silver Bow County, I announced that it was impossible to get a fair or an impartial trial

before a jury consisting of residents of Silver Bow County in a cause to which the following-named corporations or any of them were parties ,to wit: The Anaconda Copper Mining Co., the Parrot Silver & Copper Co., the Butte & Boston Consolidated Mining Co., the Trenton Mining & Development Co., the Boston & Montana Consolidated Copper & Silver Mining Co., and the Washoe Copper Co., and since the said time I have watched the progress of litigation against the said companies in Silver Bow County. I have carefully noted court records and newspaper accounts of litigation in which any of the said companies were concerned—I have not, of course, read all of the court records nor all of the newspaper accounts—and in the said time, I am informed and believe, that there has not been a verdict rendered against any of the said companies by any jury or any court in Silver Bow County; and I know of my own knowledge that scores of cases against one or more of these companies have been commenced in Silver Bow County.

At some time during the last seven years all of the said corporations have been merged into the Anaconda Copper Mining Co. The properties, mining, mills, and smelters of all of the other said companies have been transferred to the Anaconda Copper Mining Co., and it is now operating substantially the same properties as all of the other companies and itself did operate before the said merger. About seven years ago, and for sometime thereafter, there was a corporation operating mines and a smelter in Butte known as Colusa Parrot Mining & Smelting Co., and since the said time it has transferred to the Anaconda Copper Mining Co., all of its mining properties and its smelter, as affiant is informed and believes, and such company is dissolved, as affiant is informed and believes, and properties previously worked by it are being operated by the said Anaconda Copper Mining Co. Said Anaconda Copper Mining Co., as affiant is informed and believes, is the owner of 51 per cent of the capital stock of a railroad operating between Butte and Anaconda, known as the Butte, Anaconda & Pacific Railway Co. The said Anaconda Copper Mining Co. does a large amount of smelting of customs ores from other mining companies produced in Silver Bow County, to wit, it smelts ores, as affiant is informed and believes, of North Butte Mining Co., which concern operates with usually three or four hundred men, of Tuolumne Copper Mining Co., of Butte Alex Scott Mining Co.

That, in addition to its mines in Silver Bow County, affiant is informed and believes, that the said Anaconda Copper Mining Co. has in the last two or three years obtained control of and owns and is operating large gold producing mines at Southern Cross and elsewhere in Deer Lodge County, Montana.

That, as affiant is informed and believes, the said Anaconda Copper Mining Co. gives employment to 12,000 men in Silver Bow County, and about 1,800 men in Deer Lodge County; that, as affiant is informed and believes, the Anaconda Copper Mining Co. maintains a so-called "blue card" system, a system for the identification of men, and that no man may enter the employ of the said company in Silver Bow County without first procuring such a card from a central office and identifying himself before such card is obtained.

That the same counsel who appear generally for the Anaconda Copper Mining Co. also represent in litigation the Butte Water Co., which furnishes all water for domestic consumption to the inhabitants of the city of Butte; for the Montana Power Co., which is a concern with a capital stock of $100,000,000; for the Butte, Anaconda & Pacific Railway Co., aforesaid, a large mercantile company—probably the largest in Silver Bow County—to wit, the Hennessy Co.; for a large banking establishment in Butte, in Silver Bow County, known as the Daly Bank & Trust Co., of Butte; for a large banking establishment in Anaconda, known as the Daly Bank & Trust Co., of Anaconda, and also for the said North Butte Mining Co.

That the said Anaconda Copper Mining Co. can exert a great power over most, if not all, of the merchants of Butte, in that most, if not all, of the merchants of Butte extend credit to laborers, servants of the said company, on the security of assignments of the time and wages of said servants, and such method is a great convenience to the merchants of Butte.

That for many years the chief local servants of the Anaconda Copper Mining Co., its superintendants, its managers, its servants, have taken an intense interest in the politics of Silver Bow County. They have sought to dominate political conventions and have dominated many of them. And so great has been the influence of this corporation in the life political, economical, and juridical of Silver Bow County that it has established in the minds of the people of Silver Bow County and Deer Lodge County a fear of deciding any

cause against this corporation or against any other corporation in favor of the individual.

Affiant has in a general way kept track of and searched the records of the above entitled district court sitting in Silver Bow County. Affiant is informed and believes, and therefore states the fact to be, that there has not been a verdict in favor of the plaintiff in any case for personal injuries or tortious death in the department of the above-entitled court, either district court or circuit court in seven years, that the last verdict obtained by a plaintiff in such a case in the above-entitled court in so far as Silver Bow County is concerned was in the case of Monohan versus Colusa Parrot Mining & Smelting Co., the said verdict being rendered on or about the first week in April, 1907; that since the said time, such causes have been tried in the above-entitled court or in the circuit court which was merged into the above-entitled court, and in the Federal Building in Butte, causes for personal injury or death by the following counsel: The firm of Walsh, Nolan & Scallon, one of whom is now United States Senator from Montana, one of whom has been attorney general of Montana, one of whom has been chief counsel for, and local managing director of, and chief local officer of the Anaconda Copper Mining Co. Other similar causes have been prosecuted by Peter Breen, former county attorney of Silver Bow County, and esteemed one of the ablest members of the bar of the county; Lewis P. Forestell, formerly city attorney of the city of Butte, and esteemed one of the ables members of the Butte bar; and many have been prosecuted by the firm or firms of which affiant is a member, or has been a member in the said time, and many other attorneys at law of high standing and great ability have gone down to defeat before juries in the same court in the said seven years.

And by reason of the foregoing facts, affiant avers that it is impossible for any ordinary litigant to secure a fair or an impartial trial in the above-entitled court before any jury consisting in whole or in part of residents of Silver Bow County or of residents of Deer Lodge County in Montana; that the present panel of jurors and all of the panels of jurors that have been drawn for jury service in the said department of the said court, to wit, that department which sits in Silver Bow County, and in Butte therein, consists and have consisted largely of the residents of Silver Bow County and Deer Lodge County; that on the present panel, out of 24 members and men constituting the panel, as affiant is informed by the clerk and believes, 7 are residents either of Silver Bow County or of Deer Lodge County, and the remainder are residents of other counties in the State, and such has been a fair proportion of other panels.

LOWNDES MAURY.

Subscribed and sworn to before me this 20th day of May, 1914.

[SEAL.] J. D. EASAN, Jr.,
Notary Public for State of Montana, residing at Butte, Mont.

My commission expires October 1, 1916.

Service of foregoing affidavite admitted and copy received this 20th day of May, 1914.

C. F. KELLEY ET AL.

In the District Court of the United States in and for the District of Montana.

JOSEPH MODENA, AS ADMINISTRATOR OF CORRADO MODENA, DECEASED, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

STATE OF MONTANA,
County of Silver Bow, ss:

Burton K. Wheeler, being first duly sworn, on his oath does say: I am by profession an attorney at law. I have lived in Butte for about eight years last past, and practiced my profession of law there and elsewhere in the State of Montana. I have had experience as a member of the Legislative Assembly of the State of Montana. I am now district attorney of the United States in and for the district of Montana.

I do not believe that the plaintiff above named can have a fair or impartial trial of the above-entitled cause against the Anaconda Copper Mining Co. at Butte so long as any material portion of the jury empaneled to try the cause is drawn from citizens of Silver Bow County, wherein Butte is situated, or from citizens of Deer Lodge County, wherein Anaconda is situated.

My reasons for holding this opinion and expressing this belief are as follows:

The Anaconda Copper Mining Co. is engaged in the business of mining copper, silver, and gold ores in Silver Bow County, and in the mining of gold ores in Deer Lodge County, and in the smelting and reduction of all such ores in Deer Lodge County.

In the county of Siver Bow the said company owns, operates, and controls approximately 90 per cent of all the copper, gold, and silver production of the county. In the county of Deer Lodge it produces approximately 75 per cent of all the gold mined and extracted in the said county.

In the county of Silver Bow in Montana the Anaconda Copper Mining Co. has been in business and the chief factor in the industrial and political life of the said county for now more than five years. The county of Silver Bow has a population variously estimated to approximate 75,000 people. Almost its sole productive industry is that of copper and zinc mining, with gold and silver as by-products. It has no material agricultural interest either in products directly of the soil or in herds of cattle or flocks of sheep or other domestic animals. Of this population there are about 10,000 children of school age; of the remainder of 65,000 people there are one-third women; of the remaining 40,000 people there are about one-third directly in the service of the Anaconda Copper Mining Co.

This company and its directors and managing agents have large interests in other financial and mercantile institutions in the city of Butte and county of Silver Bow. The largest mercantile institution in Silver Bow County is known as the Hennessy Co. One of the largest banks in Silver Bow County is the Daly Bank & Trust Co. of Butte. The sole source of electric power supply, either for lighting or other power purposes, in Silver Bow County is the Montana Power Co. and its various hydroelectric dams. There is a railroad running from Butte to Anaconda known as the Butte, Anaconda & Pacific Railroad. These five companies are all represented in Butte by the same attorneys at law whenever there is litigation for or against any of them.

In the last two years there has been established by the Anaconda Copper Mining Co., and maintained continuously, a correct and scientific bureau of espionageand means of identification of all of its servants who apply for work at the mines, known as the "blue-card" system; and by this system, though the company employs underground about 10,000 men, yet no man can procure service underground in the mines of the said company unless he present to the proper foreman, superintendent, or shift boss a clearance card from this bureau.

There is another mining concern, known as the North Butte Mining Co., which has usually had an interlocking directorate with Anaconda Copper Mining Co. The North Butte company employs about 700 men. All of its ores are treated at the smelter of the Anaconda Copper Mining Co., at Great Falls, and such system has continued for several years. The North Butte Mining Co. is also represented by the same attorneys at law whenever it has litigation in court.

All of the water supply of Butte, the principal city in Silver Bow County, is supplied by the Butte Water Co., a corporation. The general superintendent of that company, one Eugene Carroll, has for many years generally been rumored to be active in furthering the political advancement of the Anaconda Co. By reason of its great wealth and influence it is not possible, in my belief, to have a fair trial of the above-entitled cause in Silver Bow County.

B. K. WHEELER.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] EDWIN M. LAMB,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires January 31, 1915.

Service of the foregoing affidavit admitted and copy received this 28th day of May, 1914.

G. GAY STIVERS,
Attorney for Defendant.

Filed May 28, 1914.

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In the District Court of the United States, District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

REPLY.

Comes now the plaintiff and, for his reply to the answer of the defendant on file herein, admits, denies, and alleges as follows, to wit:

Admits that on the 19th day of August, 1913, the defendant was the owner of a certain tract of land near what is known as the Berkeley mine, and that upon said tract of land there was located and situated a certain pond or pool of water, which is the pond or pool of water mentioned in plaintiff's complaint; that prior to the acquisition of the title to said land by said defendant, the predecessors in interest, and the owners of said tract of land, had made and constructed an excavation upon the same for the sole purpose and only purpose of building thereon a smelting and reduction plant, and making a boiler room to be used in connection with said smelting and reduction plant, which said smelting and reduction plant and boiler room were thereafter constructed thereon; that prior to the acquisition of the title to said land by this defendant said smelting and reduction plant had been torn down and removed by its predecessors in interest, leaving upon said land the said excavation as aforesaid; that said excavation was so situated that when and after said smelting plant was dismantled as aforesaid natural waters from the surface of the earth, caused by heavy rains and melting snows, settled and remained thereon; and that the said excavation was by the said defendant being used on the said 19th day of August, 1913, and had for a long time prior thereto been used, by the said defendant for the purpose of a receptacle for certain waters from the boiler room and from the boiler and from the dry used in connection with the operation of said Berkeley mine; and that said waters were drained out and away from said Berkeley mine, and said boilers, boiler room, and dry thereof, by means of an artificial watercourse and pipe line into said excavation; that said excavation was enclosed by a wall of rock constructed around the whole thereof, and that the deeper portions of said excavation were inclosed by a wall; that on or about the 19th day of August, 1913, the said Corrado Modena went into said pool or pond of water in connection with other boys, some of whom were about as old and others older than he, and went upon the lands belonging to the said defendants, and waded in said water and about said pond.

Admits that there was at that time floating upon said water a log or railroad tie or piece of timber.

As to whether or not the said Modena attempted to mount said log, railroad tie, or timber and ride thereon over the deeper portions of said water this plaintiff denies that he has any knowledge or information sufficient to form a belief.

Admits that plaintiff's decedent got into the water over his head and was by reason thereof drowned.

Admits that the death of said Modena occurred by reason of the negligent act or acts charged by the plaintiff in his first cause of action against the defendant.

And denies each and every other allegation and all other allegations contained in said answer.

Plaintiff, for his reply to the answer of the defendant on file herein, denies generally each and every other allegation and all allegations therein contained except such allegations as have been hereinbefore specifically admitted or denied.

Wherefore plaintiff, having fully replied to the answer of the defendant on file herein, prays judgment in accordance with the prayer of his complaint.

MAURY, TEMPLEMAN & DAVIES,
B. K. WHEELER,
Attorneys for Plaintiff.

UNITED STATES OF AMERICA, STATE OF MONTANA,
County of Silver Bow, ss:

Joseph Modena, being first duly sworn, deposes and says: I, as administrator of the estate of Corrado Modena, deceased, am the plaintiff in the above

and foregoing action mentioned. I have read the above and foregoing reply and know the contents thereof, and the same is true to the best of my knowledge, information, and belief.

JOSEPH MODENA.

Subscribed and sworn to before me this 16th day of May, 1914.

[SEAL.] JOHN L. TEMPLEMAN,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires August 14, 1914.

Service of the foregoing reply admitted and copy received this 28th day of May, 1914.

C. F. KELLEY,
L. O. EVANS,
W. B. ROGERS,
D. GAY STIVERS,
Attorneys for Defendant.

Filed May 28, 1914.

In the District Court of the United States in and for the District of Montana.

No. 151. Notice.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

To the above-named defendant Anaconda Copper Mining Company and to L. O. Evans, W. B. Rogers, and D. Gay Stivers, its attorneys:

You and each of you will please take notice that the above-named plaintiff will, at the hearing of his motion for change of place of trial, introduce as evidence the certified copy of the affidavit of James A. Murray made and filed in cause No. A–2995 in the District Court of the Second Judicial District of the State of Montana, in and for the county of Silver Bow, Anaconda Copper Mining Company, a corporation, plaintiff, versus Butte and Balaklava Mining Company, a corporation, defendant, a certified copy of which affidavit has this day been served in cause No. 149, Frank Osterman versus Anaconda Copper Mining Company, a corporation.

B. K. WHEELER,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

Service of the foregoing notice admitted and copy received this 26th day of May, 1914.

L. O. EVANS,
Attorney for Defendant.

Filed May 29, 1914.

In the District Court of the United States in and for the District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

AFFIDAVIT OF JOHN GILLIE.

STATE OF MONTANA,
County of Silver Bow, ss:

John Gillie, being first duly sworn, on oath deposes and says that he is now, and for more than 11 years has been, the general superintendent of the Anaconda Copper Mining Co., the above-named defendant, and that prior to becoming the general superintendent of the Anaconda Copper Mining Co. affiant occupied the position of general manager of the Butte & Boston Consolidated Mining Co.

That affiant has been a resident of Silver Bow County since the year 1881, and prior to devoting his time to the affairs of the above-named corporations was engaged in a general civil and mining engineering business, with his headquarters at Butte, Silver Bow County, Mont.; that affiant is thoroughly acquainted with the properties, affairs, and operations of the said Anaconda Copper Mining Co.

That there is no connection of any kind or character between the Daly Bank & Trust Co. of Butte, Mont., and the Anaconda Copper Mining Co., save the fact that the banking business of said Anaconda Copper Mining Co. is largely transacted at said Daly Bank & Trust Co.; that the said Daly Bank & Trust Co. and its affairs are conducted independently of said Anaconda Copper Mining Co., and are conducted in the same manner as that of the six other banking institutions of Butte, Mont., at least one, and possibly two, of which are larger in amount of deposits and business transactions than the Daly Bank & Trust Co.

Affiant further says that the said Anaconda Copper Mining Co. is not the owner of any stock of or interested in any way in the Montana Power Co.

That said Anaconda Copper Mining Co., nor any of its officers or agents, so far as affiant knows or can learn, have any interests whatsoever in the Hennessy Co. or its business affairs.

That in employing its miners or other workmen the defendant is in no way affected or influenced by the fact of whether the person applying is a debtor or customer of the said Hennessy Co. or any other merchant or mercantile house; that the affairs of the said Anaconda Copper Mining Co. are conducted in the same manner, as they affect the said Hennessy Co., as any and all other merchants and others engaged in business in the city of Butte and elsewhere.

That it is not true that the Anaconda Copper Mining Co. has exerted, or can exert, a great or any power over the merchants of the city of Butte or anyone else by reason of any custom of the employees of said company in assigning their wages due, or to become due, as security for indebtedness; that the affairs of said Anaconda Copper Mining Co. are conducted as those of all other mining companies operating in Silver Bow County, so far as such assignments are concerned, and all merchants are treated alike in respect to them; that when assignments, or other notice thereof, are given to the said Anaconda Copper Mining Co., they are recognized and paid out of any money coming to the employee.

Affiant further says that the population of Silver Bow County, Mont., is estimated as being from seventy-five to eighty thousand; that for the State election held in November, 1912, the registration records in the office of the county clerk and recorder of Silver Bow County show that approximately 17,149 men were registered, and that affiant believes that there are many more eligible to registration at the present time in Silver Bow County; that a large proportion of the employees of said Anaconda Copper Mining Co. are not citizens of the United States or eligible to registration, and that an additional large proportion of said employees are not taxpayers, and many more are under the age of 21 years and over the age of 70, so that a comparatively small proportion, which affiant believes, from the information he has been able to obtain, is less than one-third of the employees of the said Copper Mining Co. in Silver Bow County, Mont., would be eligible for jury service.

That the said Anaconda Copper Mining Co., in and about its mining properties and operations in Silver Bow County, Mont., is employing not to exceed 9,100 men; that there are many other mining companies operating in Silver Bow County, Mont., employing large numbers of men, among which are the North Butte Mining Co., employing approximately 1,000 men; the Butte & Superior Copper Co., employing approximately 1,000 men; the Elm Orlu mine; the East Butte Mining Co.; the Butte-Ballaklava Mining Co.; the Butte-Alex Scott Mining Co.; the Tuolumne Mining Co.; the Davis-Daly Mining Co.; the Pilot-Butte Mining Co.; the Rainbow Lode Development Co.; the Butte & Duluth Mining Co.; the Bullwhacker Mining Co.; the Butte-Zenith Mining Co.; and other comparatively small operators; that in addition to those mentioned above, there are a large number of other employers of men in Silver Bow County, among which are the Chicago, Milwaukee & St. Paul Railway Co.; the Great Northern Railway Co.; the Northern Pacific Railway Co.; and Oregon Short Line Railway Co., employing more than 625 men; the Montana Power Co., employing approximately 125 men; the Street Railway Co., employing ap-

proximately 185 men; and many other industries—breweries, mercantile houses, factories, etc.—employing large numbers of men.

That the Butte, Anaconda & Pacific Railway Co., a majority of the stock of which is owned by the Anaconda Copper Mining Co., employs approximately 185 men in Silver Bow County.

Affiant further says that the conduct and handling of litigation, in which the said Anaconda Copper Mining Co. is interested, is turned over to the attorneys for said company, who entirely control and handle the same, investigate the facts, and call upon the operating department for such witnesses as are necessary to testify to the facts; that while affiant, as a witness, has attended a number of the trials, it has not been the practice of the officials or other representatives or agents of the said company to attend upon the trial of any case unless required as witnesses, and that the practice has been for the representatives of the Anaconda Copper Mining Co., other than the attorneys, to pay little, if any, attention to the cases pending or being tried.

Affiant further says that the said Anaconda Copper Mining Co., during the period of affiant's connection with it, has not, of affiant's knowledge or belief, coerced or influenced, or attempted to coerce or influence, in any way any resident of Silver Bow County who has been called or who has acted as a juror or witness in any case in any court; and that the said company has not, of affiant's knowledge or belief, at any time rewarded or punished, or attempted to reward or punish, in any way, or refuse to give or gave employment to any person because of his acting as such juror or witness in any of the courts; and the fact that any person has acted as juror in any case in Silver Bow County, whether the said company was party thereto or not, or as a witness in any action, has not been permitted to influence the company's action in any way, whether extending him employment or otherwise.

That affiant knows of nothing in the conduct of the company's affairs in Silver Bow County, during the period with which he has been familiar with them, and affiant thinks he would know of such if it had existed or occurred, which would establish or cause in the mind of any resident of Silver Bow County or Deer Lodge County any fear of deciding or hesitation in justly deciding any action brought against this corporation or against any other corporation in favor of any opposing litigant.

Affiant further says that he knows of no sentiment or feeling of condition of fear or bias or other sentiment or feeling in Silver Bow or Deer Lodge County, Mont., in favor of the said Anaconda Mining Co., or against any opposing litigant, which would prevent such litigant from obtaining a fair trial as against said Anaconda Copper Mining Co. before a jury composed of residents of either Silver Bow County or Deer Lodge County; and affiant knows of nothing and does not believe that anything exists in the operation or method of operation of the said defendant corporation which would give rise to any such sentiment of fear or bias or any other sentiment or feeling which would work to the disadvantage of such opposing litigant. That affiant knows of no reason or condition why the above-named plaintiff can not secure a fair and impartial trial before a jury composed of residents of either Silver Bow or Deer Lodge County, and, on the contrary, affiant believes that said plaintiff can and will, if such action is tried, secure a fair and impartial trial, whether the jury be made up of residents of Silver Bow or Deer Lodge County or elsewhere.

JOHN GILLIE.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

Filed May 29, 1914.

AFFIDAVIT OF W. J. JOHNSON.

STATE OF MONTANA,

County of Deer Lodge, ss:

W. J. Johnson, being first duly sworn, on oath says: That he is now, and for 29 years last past has been, a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now and has not at any time been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that during all of said time affiant has been engaged in business in said county and for a period

of more than five years last past has been a member of the board of county commissioners of such county and is now chairman of such board; that affiant has taken part in and participated in various political campaigns during his residence in Anaconda, and has a large acquaintance with the business, laboring, and professional men and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of nor has he heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residence of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear of or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of sid Deer Lodge County, and affiant beliêves that no difficulty would be had in empanelling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason and believes none exists why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

W. J. JOHNSON.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.
Filed May 29, 1914.

AFFIDAVIT OF THOMAS J. WALKER.

STATE OF MONTANA,
County of Silver Bow, ss:

Thomas J. Walker, being first duly sworn, on his oath deposes and says: I am now and for 25 years last past have been a resident of Silver Bow County, Mont.; that I am an attorney at law and have been practicing my profession as such in Silver Bow County and Deer Lodge County, Mont., for a period of more than 10 years last past. That for four years prior to the first Monday of January, 1913, affiant was county attorney of said county of Silver Bow, and for several years prior to becoming county attorney affiant acted as assistant or deputy county attorney for such county; that during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant has been generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession there, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and the other corporations engaged in business in Silver Bow County. That during all of the years of his practice affiant has taken part in and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including the miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; that from his knowledge of the conditions and sentiment in Silver Bow County, in affiant's opinion, there is no condition of bias or prejudice in favor of the said Anaconda Copper Mining Co., or of fear or dread or other sentment in favor of said company, or any other condition or reason which would in affiant's opinion in any way prevent the plain-

tiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow or Deer Lodge County; affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow or Deer Lodge County, in the above-entitled court in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above-entitled action if tried in Silver Bow County, Mont.

THOMAS J. WALKER.

Subscribed and sworn to before me this 25th day of May, A. D. 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 2, 1915.
Filed May 29, 1914.

AFFIDAVIT OF CHARLES S. HENDERSON.

STATE OF MONTANA, *County of Silver Bow, ss:*

Charles S. Henderson, being first duly sworn, on oath deposes and says: That he is now and for the past 27 years has been a resident of Silver Bow County, Mont.; that during the years 1907 and 1908 affiant was sheriff of Silver Bow County, Mont., and that for many years prior thereto and since affiant has been engaged in the mercantile business and various business enterprises in Silver Bow County, Mont.; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County; and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 10 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies and in relation to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company or any of the other mining companies operating therein among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant therein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

CHAS. S. HENDERSON.

Subscribed and sworn to before me this 29th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.
Filed May 29, 1914.

AFFIDAVIT OF HERMAN BLANK.

STATE OF MONTANA, *County of Silver Bow, ss:*

Herman Blank, being first duly sworn, on oath deposes and says: That he is now and for more than 21 years last past has been a resident of Butte, Silver Bow County, State of Montana, and during said time has been engaged in the wholesale liquor business and is and has been interested in other business enterprises in said city.

That for a period of 10 years prior to the formation of the Butte Chamber of Commerce, which was organized about the month of March, 1912, affiant was president of the Butte Business Men's Association, an organization composed of the business and professional men of the city of Butte and organized and maintained for the purpose of promoting the welfare of the business and other interests of the city of Butte. That affiant during approximately the entire period of its organization was a member of said Butte Business Men's Association and took an active interest in its affairs. Affiant says that he does not recall that Mr. C. J. Kelly ever attended a meeting of said Butte Business Men's Association, and that Mr. Kelly certainly had very little, if anything, to do with the affairs of said association, and that affiant while president of said organization made an effort to have Mr. Kelly take a more active part in said organization, and affiant regrets tht he was unable to do so, as he felt that it would have been to the interest of said organization and Butte generally to have enlisted more of Mr. Kelly's efforts in this behalf. That at no time during the incumbency of this affiant as president of said organization, nor at any time while affiant was a member thereof, has the said Kelly, of the Hennessey Co., or anyone else, ever attempted, to affiant's knowledge, to directly or indirectly influence the affairs of said Butte Business Men's Association on behalf of the said Kelly or said Hennessey Co. or on behalf of the Amalgamated Copper Co. or the Anaconda Copper Mining Co. or any other mining company. That none of the said corporations has ever, to affiant's knowledge, attempted directly or indirectly to influence or dominate the said association or the individual members thereof. That, aside from supporting in a legitimate manner, when requested so to do, matters of public importance and benefit, no influence of any kind, to affiant's knowledge and belief, has been exercised by said corporations, or either of them, or on their behalf.

Affiant further says that from his knowledge of conditions in Butte, and from his associations with the other residents of said city, he feels that he is well acquainted with the conditions and sentiment existing in said city and Silver Bow County, and that it is affiant's belief that the above-named plaintiff can have a fair and impartial trial before a jury of residents of Silver Bow County, Mont., in the above-entitled action, or upon any other issue to which he may be a party or be interested in, and that affiant knows of no condition, sentiment, or reason which would in anywise prevent or interfere with the obtaining by plaintiff of a fair trial before such jury against said Anaconda Copper Mining Co.

HERMAN BLANK.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

Filed May 29, 1914.

AFFIDAVIT OF J. K. O'ROURKE.

STATE OF MONTANA, *County of Silver Bow, ss:*

J. K. O'Rourke, being first duly sworn, on oath deposes and says: That he is now, and for 13 years last past has been, a resident of Butte, Silver Bow County, Mont. That affiant formerly was engaged as a timekeeper in and about the Butte mines, and since the first of the year 1909 has been sheriff of Silver Bow County, Mont. That affiant was Sheriff of Silver Bow County for four years ending in January, 1913. That during the period of his residence in Butte affiant has had, and now has, a very large acquaintance personally with the miners and workmen in and about the Butte mines, and has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 12 years in the vari-

ous general elections had in Silver Bow County during said period, and that the plaintiff in this action, and the other large mining companies operating in and near Butte, have been discussed and asserted as issues more or less in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, and in his opinion, there is no condition of general interest in or bias in favor of said plaintiff company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant has no connection with, and is not interested in, the above-entitled action, nor in the Anaconda Copper Mining Co., plaintiff therein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion, there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury of residents thereof.

JOHN K. O'ROURKE.

Subscribed and sworn to before me this 29th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

Filed May 29, 1914.

AFFIDAVIT OF D. GAY STIVERS.

STATE OF MONTANA,

County of Silver Bow, ss:

D. Gay Stivers, being first duly sworn, on his oath deposes and says: That he has resided in Butte, Silver Bow County, Mont., 24 years last past, is an attorney at law by profession, and has been practicing as such at Butte, Mont., since May, 1895; that affiant has been continuously employed as an attorney at law by the Anaconda Copper Mining Co., Parrot Silver & Copper Co., Washoe Copper Co., Butte, Anaconda & Pacific Railway Co., and the Colorado Smelting & Mining Co., and its successors in interest, the Trenton Mining & Development Co., from March, 1899, until the consolidation of the properties of said companies with the Anaconda Copper Mining Co. in 1910, and since that time has been continuously employed by the Anaconda Copper Mining Co.; that prior to such consolidation affiant, for a period of about nine years, was also employed by the Butte & Boston Consolidated Mining Co. and the Boston & Montana Consolidated Copper & Silver Mining Co.; that affiant as attorney for the said corporations, and particularly for said Anaconda Copper Mining Co., has been generally familiar and acquainted with its business and affairs and particularly with the conduct of its litigation and other legal business, and for the past 10 years has participated in almost all of the trials of cases to which said Anaconda Copper Mining Co. was a party in Silver Bow County, Mont.; that among the cases in which affiant has assisted in the trial of have been a number of what are known as "personal injury" cases against the said corporations, and affiant has been familiar with the history of such cases and the results thereof, and has also been generally familiar with the history of trials of other cases in Silver Bow County, Mont., including those against other corporations; that it has been affiant's observation and his opinion that the same condition prevails in Silver Bow County, Mont., as elsewhere, and has prevailed during the past few years, in respect to the prejudice of certain members of juries against corporations in personal-injury cases, or of bias toward the plaintiff in such cases, and it is affiant's opinion that with juries in said Silver Bow County, Mont., as elsewhere, difficulty is met in inducing them to give the same consideration or weight to

evidence in cases presented by defendant corporations in personal-injury cases as that accorded the cases of plaintiffs in such class of cases; that upon the trials of cases in which the said Anaconda Copper Mining Co. and other corporations above named have been parties the conduct and control of such cases has been left entirely to affiant and other attorneys for said companies, and it has not been the practice for the managers, foremen, or other officials or representatives of said companies to attend upon the trials of said cases or give attention thereto in any way except when called or required as witnesses, and as a general rule, upon the trial of all such cases, no one representing such corporations has been present in the court room except the counsel and the witnesses; that affiant knows of nothing, and that he believes he would know if such existed, in the operation or conduct of the business of the Anaconda Copper Mining Co. or the other corporations above named which in anywise would tend to give rise to any feeling of fear or hesitation or any other feeling or sentiment in any of the residents of Silver Bow County, or which would in any other way tend to cause any of such residents to hesitate in fairly and impartially trying any cases to which the said company might be a party; that to affiant's knowledge and belief there is no feeling or sentiment or condition of bias or other leaning toward the said corporation, or of dread or fear of the same in Silver Bow County, and affiant knows of no condition or sentiment or feeling of any kind which would in anywise prevent the residents of Silver Bow County from acting fairly and impartially if called as jurors on cases to which the said Anaconda Copper Mining Co. or any other corporation is a party.

Affiant further says that he knows of no fact, condition, or reason, and does not believe that any exists, why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above court, in Silver Bow County, Mont., and affiant believes that a fair and impartial trial could be had by the plaintiff in the above action if tried before a jury of Silver Bow County residents in Silver Bow County, Mont.

G. GAY STIVERS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires January 27, 1915.
Filed May 29, 1914.

AFFIDAVIT OF J. L. WINES.

STATE OF MONTANA, *County of Silver Bow, ss:*

J. L. Wines, being first duly sworn on his oath, deposes and says: That affiant is now and for more than 19 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, and in other counties in the State of Montana for a period of more than 19 years last yast.

Affiant is not now, and never has been, connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the State mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County; in relation with the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread, or other sentiment or reason, which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant has heard discussions among attorneys practicing in Silver Bow County of the claim advanced by Mr. Loundes Maury in this action; that litigants could not obtain a fair trial before a jury composed of residents of Silver Bow County in an action against the Anaconda Copper Mining Co., or where said company was an opposing party, and that the said Maury is the only one whom affiant has heard claim or advance n opinion that a fair trial could not be had under such circumstances, while affiant has heard others of such attorneys express their opinions to the contrary.

Affiant believes that if in his practice he should bring action against said Anaconda Mining Co.; that he could and would submit the cause to a jury of residents of Silver Bow County and obtain a fair and impartial determinations thereof, the same as if the same was against any other party.

Affiant further says that he knows of no reason why the above entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above entitled action, if tried in said Silver Bow County, Mont., before a jury of residents of said county.

J. L. WINES.

Subscribed and sworn to before me this 27th day of May, 1914.

[SEAL.] T. J. HARRINGTON,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires December 16, 1916.

AFFIDAVIT OF GEORGE F. SHELTON.

STATE OF MONTANA, *County of Silver Bow, ss:*

George F. Shelton, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 12 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 30 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the histories of cases tried before juries, including those tried against the Anaconda Copper Mining Co., and other corporations engaged in business in said Silver Bow County; that affiant has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread, or other sentiment, in favor of said company, or any other conditions, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaitiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

GEORGE F. SHELTON.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] A. J. VERHEYEN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 23, 1913.

AFFIDAVIT OF WILLIAM MEYER.

STATE OF MONTANA, *County of Silver Bow, ss:*

William Meyer, being first duly sworn, on his oath deposes and says: That affiant is now, and for more than 29 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 10½ years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corportions, and has participated in the defense of cases for corporations as parties defendants; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County. That affiant has brought and tried a number of what are known as "personal-injury" cases, and is and has been familiar with the history of such litigation in Silver Bow County; that affiant has brought a number of such cases against the Anaconda Copper Mining Co., and the Butte, Anaconda & Pacific Railway Co., most of which have been settled on a satisfactory basis; that affiant would not hesitate to try such a case, or any case against either of said corporations before a jury composed of residents of Silver Bow County, and with the expectation and belief that a fair trial and an impartial trial would be had before such jury.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County and in the above-entitled court in the County of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

WILLIAM MEYER.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF C. P. DRENNEN.

STATE OF MONTANA,

County of Silver Bow, ss:

C. P. Drennen, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 20 years past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than twenty years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally

familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there are no conditions, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

C. P. DRENNEN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing in Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF W. I. LIPPINCOTT.

STATE OF MONTANA,
County of Silver Bow, ss:

W. I. Lippincott, being first duly sworn, on his oath deposes and says: That affiant is now and has been for more than 32 years last past a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 32 years last past.

That affiant is not now, and never has been, connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession, he has been carrying on a general practice, and has been concerned in, and has tried, a great many cases, some against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally familiar with the history of the trial of cases for corporaions in Silver Bow County, since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co., and other corporations in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein, there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial

trial could be had by plaintiff in the above-entitled action if tried in Silver Bow County, Mont.

WILLIAM I. LIPPINCOTT.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF LEWIS A. SMITH.

STATE OF MONTANA,
County of Silver Bow, ss:

Lewis A. Smith, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 18 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more then 18 years last past.

That affiant is not now, and never has been, connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession, he has been carrying on a general practice, and has been concerned in, and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

LEWIS A. SMITH.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF CHARLES MATTISON.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles Mattison, being first duly sworn and on his oath, deposes and says: That affiant is now and for more than 24 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 21 years last past; that during the years 1893 and 1894–1896 affiant was deputy county attorney of said Silver Bow County.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

CHAS. MATTISON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, Residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF J. BRUCE KREMER.

STATE OF MONTANA, *County of Silver Bow, ss:*

J. Bruce Kremer, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 13 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 13 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in, and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice or of fear or dread or other sentiment in favor of said company, or any other condition or sentiment or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

J. BRUCE KREMER.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF FRANK C. WALKER.

STATE OF MONTANA,
County of Silver Bow, ss:

Frank C. Walker, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 23 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than four years last past.

That affiant is not now, and has never been, connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personlly mong the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co., and that from his knowledge as to the conditions and sentiment therein, there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

FRANK C. WALKER.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN.
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF ANDREW J. DAVIS.

STATE OF MONTANA,
County of Silver Bow, ss:

Andrew J. Davis, being first duly sworn, on oath deposes and says: That he is now, and for more than 30 years last past has been, a resident of Silver Bow County, Mont.; that during all of said time he has been connected in a business way with the First National Bank of Butte, and for 20 years last past has been, and now is, the president of the said First National Bank of Butte; that during all of said times affiant has been, and now is, widely ac-

quainted with the business men, miners, and workingmen in Silver Bow County, Mont.; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with, and is not interested in, the above entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

ANDREW J. DAVIS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana,
residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF DAVID J. CHARLES.

STATE OF MONTANA,
County of Silver Bow, ss:

David J. Charles, being first duly sworn, deposes and says: That he has been a resident of Butte, Silver Bow County, Mont., for more than 30 years last past, and during said time has been engaged in various mercantile businesses, and since its organization has been, and is now, president of the Miners' Savings Bank & Trust Co.

Affiant says that he was, after its organization in the month of March, 1912, and until January, 1914, president of the Butte Chamber of Commerce, an organization of business and professional men, residents of Butte, organized for the purpose of promoting the general welfare and prosperity of Butte, and suburbs.

That the Butte Business Men's Association ceased to exist about the time of the formation of the chamber of commerce, the chamber of commerce having been organized to carry out the same purpose for which the business men's association was formed, but with somewhat broader objects and views.

Affiant says that the chamber of commerce, during affiant's presidency, had a membership of approximately 310, and that out of said membership not over approximately 16 or 17 are employees of or connected with the Anaconda Copper Mining Co., the Butte Water Co., or the Butte, Anaconda & Pacific Railway Co. That neither the said Anaconda Copper Mining Co., nor any of its employees, or anyone for it, has attempted in any way to influence the action of said chamber of commerce or to control its movements, and that all of the active members of said chamber of commerce and its officers have been engaged in promoting the welfare of Butte generally, without regard to any particular interest, corporation, or individual.

Affiant further says that he has been more or less connected with politics in said Silver Bow County, Mont., and that during his residence here he has been, and is now, well acquainted with the people of Butte, including large numbers of the miners and workingmen, and feels that he is well acquainted with the feeling and sentiments generally in said Butte City.

Affiant further says that he knows of no sentiment, feeling, or other reason why the plaintiff in the above-entitled action can not obtain a fair trial

therein before a jury of residents of Silver Bow County, in Silver Bow County, Mont., and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County, Mont., in the above-entitled action, or upon any other issue to which plaintiff may be a party.

Affiant is not now, and never has been, employed by or connected with the business or affairs of the Amalgamated Copper Co. or the Anaconda Copper Mining Co., and that affiant has no interest whatsoever in the above-entitled action or its outcome.

DAVID J. CHARLES.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF DONALD CAMPBELL.

STATE OF MONTANA, *County of Silver Bow, ss:*

Donald Campbell, being first duly sworn, on oath deposes and says: That he is now, and for the past 22 years has been, a resident of Silver Bow County, Mont.; that affiant is now a practicing physician and surgeon, and has been such in Silver Bow County, Mont., for the past 22 years; that during all of said times affiant became widely acquainted with the miners and workingmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 22 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues more or less in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant in his practice has treated a great many men who have been injured in accidents while employed by the mining and railroad corporations operating in or near Butte, and has often discussed with them their injuries and their claims for compensation on account thereof.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company or any of the other mining companies operating therein among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connections with, and is not interested in, the above-entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action would be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

DONALD CAMPBELL.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF F. L. MELCHER.

STATE OF MONTANA, *County of Silver Bow, ss:*

F. L. Melcher, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now and for the past 24 years has been engaged in the foundry and ironwork business and employs in the neighborhood of 45 men; that during all of said times affiant became widely acquainted with the miners and workingmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the said period in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people of said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action; and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

F. L. MELCHER.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF HUGH DALY.

STATE OF MONTANA, *County of Silver Bow, ss:*

Hugh Daly, being first duly sworn, on oath deposes and says: That he is now, and for the past eight years has been, a resident of Silver Bow County, Mont; that affiant is now one of the owners and the manager of what is known as Gregson Springs, Mont., said Gregson Springs being a large hotel and bathing resort within the limits of Silver Bow County, Mont., and that at said place affiant, as such manager, employs in the neighborhood of 50 men; that affiant prior to becoming an owner and manager at Gregson Springs was for many years in the hotel business in Butte, Silver Bow County, Mont., and the actual manager of different hotels at said place; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County; and that during said period, and the period while at said Gregson Springs, affiant has been more or less active in politics and political matters.

Affiant has also taken part in and participated in various political campaigns during the past six years in the various general elections had in said Silver Bow County, Mont., during said period, and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as an issue, more or less, in said campaigns; that affiant is well

acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with, and is not interested in, the above-entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

HUGH DALY.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF P. J. BROPHY.

STATE OF MONTANA,
County of Silver Bow, ss:

P. J. Brophy, being first duly sworn, on oath deposes and says: That he is now, and for the past 31 years has been, a resident of Butte, Silver Bow County, Mont.; that affiant during said period was and is engaged in various business enterprises in the city of Butte; that affiant has no connection with, and is not interested in, the above-entitled action, nor in the Anaconda Copper Mining Co., defendant therein; that affiant has now, and during his entire residence in Butte has had, a large personal acquaintance generally in said Butte city, and especially with the workmen in and about the Butte mines, and affiant has also been more or less active in political matters; that affiant is well acquainted with the condition and public sentiment both politically and generally in Silver Bow County, Mont., in relation to the mining companies and business enterprises conducted therein, and other matters of general public interest in said Silver Bow County, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury of citizens of said Silver Bow County.

P. J. BROPHY.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF M. J. SHEEHAN.

STATE OF MONTANA,
County of Silver Bow, ss:

M. J. Sheehan, being first duly sworn, on oath deposes and says: That he is now, and for the last 24 years has been, a resident of Butte, Silver Bow County, Mont.; that affiant is now and since about the month of December, 1911, has been county treasurer of Silver Bow County, Mont., and for the four years immediately preceding the year 1911 he was deputy treasurer of Silver Bow County, Mont. Affiant further states that he has taken part in and participated in various political campaigns during the past 16 years in the various general elections had in said Silver Bow County during said period, and that the defendant in this action, and the other large mining companies operating in and near Butte, have been discussed and asserted as issues more or less in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co. and the other mining companies, and in relation to the matters generally in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion there is no condition of general interest in, except the usual interest in all industries in said community, or bias in favor of said defendant company, or any other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant knows of no fact or reason why the above-entitled action couldn't be impartially tried in Silver Bow County, before a jury composed of residents of Silver Bow County, and, in the affiant's opinion, there would be no difficulty in securing a fair and impartial jury of such residents to try this action and render a fair and impartial verdict therein, and, in affiant's opinion, there is no sentiment of fear, or bias, or prejudice, or other sentiment, or feeling, or any condition in Silver Bow County, Mont., which would in anywise interfere with or prevent the plaintiff in the above-entitled action from securing a fair and impartial trial, and that the same could be fairly and impartially tried before a jury of citizens thereof, in said Silver Bow County, Mont.; that affiant is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., the defendant therein, or in any of the other mining companies operating in said Silver Bow County, Mont.

M. J. SHEEHAN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF T. J. BENNETTS.

STATE OF MONTANA, *County of Silver Bow, ss:*

T. J. Bennetts, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now and for more than 23 years last past has been engaged in the mercantile business in Silver Bow County, Mont., and does and has employed numerous men; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters; affiant has also taken part and participated in various political campaigns during such period, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation generally to the matters in which the said companies, and their employees, and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and, in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias, or prejudice, or feeling of fear, or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

T. J. BENNETTS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF WILLIAM BAWDEN.

STATE OF MONTANA,
County of Silver Bow, ss:

William Bawden, being first duly sworn, on oath deposes and says: That he is now, and for the past 27 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and for the past 27 years has been, engaged in the foundry and ironwork business, and is now president of the Western Iron Works, and employs in the neighborhood of 45 men; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County; and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the said period in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana, that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially

tried in Silver Bow County, Mont., before a jury composed of residents of said county.

WILLIAM BAWDEN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF MALCOLM GILLIS.

STATE OF MONTANA,
County of Silver Bow, ss:

Malcolm Gillis, being first duly sworn, on oath deposes and says: That he is now, and for the past 25 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and since about the month of April, 1907, has been, postmaster of the city of Butte Mont.; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 25 years in the various general elections, and in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and, in his opinion, there is no condition of general interest in or bias in favor of said defendant company or any of the other mining companies operating therein among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the defendant in the above action and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

MALCOLM GILLIS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,

Notary Pulic for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF CHARLES P. NEVIN.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles P. Nevin, being first duly sworn, on oath deposes and says: That he is now, and for the past 31 years has been, a resident of Silver Bow County, Mont.; that affiant was mayor of the city of Butte from May, 1909, to May, 1911, and at the present time and for several years last past has been engaged in the plumbing and heating business in the city of Butte, Mont., and employs numer-

ous men in and about said business; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 12 years, in the various general elections had in said county of Silver Bow, Mont., during said period, and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion there is no condition of general interest in or bias in favor of said defendant company or any of the other mining companies operating therein among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

CHAS. P. NEVIN.

Subscribed and sworn to before me this 27th day of May, 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF CHARLES E. ALSOP.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles E. Alsop, being first duly sworn, says on oath: That he has been a resident of Butte, Mont., for the past 24 years, and for the past 3 years has been assistant secretary of the Butte Association of Credit Men, and has during all of said time devoted his entire time to its affairs; that affiant is not employed by or connected with or interested in the Anaconda Copper Mining Co. or the Amalgamated Copper Co., and has no interest whatsoever in the above entitled action.

That affiant is acquainted with Charles J. Kelly, manager of the Hennessy Co.; that affiant has never seen the said Charles J. Kelly at any of the meetings of said association, and is of the opinion that said Kelly has never attended such meetings; that the said Charles J. Kelly has never influenced or directed or attempted, to affiant's knowledge, to influence or direct the action of the said association of credit men in any way whatsoever, directly or indirectly, and that there has never been any attempt or effort by any person or corporation whatsoever to influence said credit men's association in favor of the Hennessy Co. or the Anaconda Copper Mining Co., or any of the other mining companies operating in Silver Bow County, Mont.

That the said credit men's association was organized and is maintained for the purpose of keeping supervision over the credits extended by the wholesale dealers of the city of Butte to the retail dealers and others, and of assisting retail merchants requiring assistance to carry on their respective businesses,

and for other purposes of mutual assistance to the wholesale and retail dealers of Butte; that the business or affairs of the Anaconda Copper Mining Co., or any other mining corporation, has never in any way entered into the administration of the affairs of the said credit men's association, but the same has been conducted on business principles and to the interest of all concerned as in any other community.

Affiant further says that his business has at all times and does now bring him in contact with all classes of people in said city and county, and that he is generally familiar with the sentiment in such community, and that affiant does not know of any sentiment or feeling of fear or bias or otherwise, or other reason why the plaintiff in the above-entitled action can not obtain a fair trial therein before a jury composed of residents of Silver Bow County, in Silver Bow County, Mont., and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County in the above-entitled action or upon any other issue to which the said plaintiff may be a party.

CHARLES E. ALSOP.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF PATRICK CONLON.

STATE OF MONTANA,
County of Silver Bow, ss:

Patrick Conlon, being first duly sworn, on oath deposes and says: That he is now, and for the past 36 years has been, a resident of Silver Bow County, Mont.; that during all of said time affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 36 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise in said Silver Bow County, in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action; and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

PATRICK CONLON.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF CHARLES AUSTIN.

STATE OF MONTANA,
County of Silver Bow, ss:

Charles Austin, being first duly sworn, on oath deposes and says: That he is now, and has been for the past 10 years, a resident of Butte, Mont., and is at present and has been since January, 1907, assistant secretary of the Merchants' Association of Butte, an association for the retail merchants of said city, formed by said merchants for mutual protection, particularly in connection with the credit business done by them, and devotes his entire time thereto; that affiant is also secretary of the Butte Chamber of Commerce; that affiant is well acquainted with Mr. Charles J. Kelly, manager of the Hennessy Co. in said city, and that during affiant's connection with said merchants' association the said Kelly has never been active in its affairs; that said Kelly or the said Hennessy Co. or anyone else has never at any time attempted to exercise or use any influence in connection with said merchants' association, either on behalf of or against the Amalgamated Copper Co. or the Anaconda Copper Mining Co. or any of the other mining corporations of Butte or vicinity; that the matters taken up by the said merchants' association in connection with credit to be extended to the customers or the members of said association has been entirely along business lines, and has not been based upon or influenced in any way by any interest of the Anaconda Copper Mining Co. or any other mining corporation or based upon or influenced by the relations, friendly or otherwise, of said persons with said Anaconda Copper Mining Co., but that all of such matters have been based upon the facts in each case, and upon the merits without regard to such mining companies or their affairs. Affiant further says that there has been nothing in the affairs of said merchants' association or the business conducted by it which could in any wise affect or bias any person or persons whatsoever in Silver Bow County toward or against the parties to the above-entitled action or any other mining corporation or enter into in any way or influence in any way any proceeding in the above-entitled action to affiant's knowledge.

That affiant is familiar with the method followed by the Hennessy Co. and the other merchants of Butte in regard to taking, where necessary, assignments from wage earners in connection with the sales made, and that all the merchants of Butte are afforded the same opportunity by the various mining companies, including the Anaconda Copper Mining Co., for presenting and having accepted such assignments, and for the purpose of obtaining the information necessary in connection therewith; that the credit extended the wage earners by the various merchants and business houses in Butte is based solely upon the right to credit of each individual, and that the relation of such individual to any mining company, or the feeling of such individual toward the mining company or the mining company toward such individual, does not enter into the matter.

Affiant further says that his business has at all times and does now bring him in contact with all classes of people in said city and county, and that he is generally familiar with the sentiment in such community, and that affiant does not know of any sentiment or feeling of fear or bias or otherwise or other reason why the plaintiff in the above-entitled action can not obtain a fair trial therein before a jury composed of residents of Silver Bow County in Silver Bow County, Mont.; and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County in the above-entitled action or upon any other issues to which the said plaintiff may be a party.

CHARLES AUSTIN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF E. P. MATHEWSON.

STATE OF MONTANA,
County of Deer Lodge, ss:

E. P. Mathewson, being first duly sworn, says on his oath: That he is and has been for 10 years last past manager of the Anaconda Copper Mining Co., in the city of Anaconda, county of Deer Lodge, State of Montana, of what is known as the Washoe smelter, situated near said city; that as such manager

he has had general direction of the policy of said company in said county, and is familiar with the conduct of all of its affairs, and with the employment and discharge of men in the employ of said company, and has also been familiar with the conduct of said company toward the citizens of said city and said county; that said company in its operations in said county has never discriminated in any way, either for or against, any citizen of said county in giving or refusing employment to such citizens of said county, or in any other way, on account of or by reason of any conduct of any of the citizens thereof, as jurors, as witnesses, in the courts of said county, or in the United States courts, or elsewhere; that no attention has ever been paid as to whether any citizen of said county had served upon the jury in said county or in the courts of the United States, or had served or sat in any cases in which said company was interested, and no information was ever sought or obtained in reference to the action or conduct of any citizen of said county when acting as a juror or witness in any of said courts, or any attention whatever paid to the conduct of such citizens while acting as such jurors or witnesses, if they so acted, and that the said company, nor any of its managers, agents, or servants, have not to the knowledge of this affiant, or with the consent or approval of any official of said company or of the said company itself, ever given or refused employment to any juror or witness in either of said courts by reason of or on account of any testimony given by any witness or any verdict rendered by any juror in any case, of any kind or character, in either of said courts. Affiant further says that neither has he as such manager of such company, nor any of its servants or agents to his knowledge, nor any officials of said company or the company itself, discriminated for or against any citizen of said county in any manner whatever, whether such citizen be employed by said company or engaged in his own individual or private pursuits for or on account of any evidence given or any verdict rendered by such citizen, either as a witness or as a juror in the court of said county or in the courts of the United States, and that said company has not concerned itself or made inquiries concerning, nor attempted in any way to interfere with the full liberty of any citizen of said county in the discharge of his duties, either as a witness or juror, in either or any of said courts during the whole time of the incumbency of this affiant as manager of said company extending from about the 1st day of June, 1903, until the present time.

Affiant further says that he is thoroughly acquainted in the said county of Deer Lodge both with persons in the employ of said company and with the other citizens thereof engaged in other lines of business, and upon their own account, such as mining, ranching, mercantile, and other lines of trade and business, and that he has associated and mixed generally with the citizens and people of said county.

That it is generally estimated that the population of said county is about 15,000 people, and that it is estimated generally that the population of the city of Anaconda is about 13,000 people; that there are large numbers of qualified jurors in said county engaged in their own individual pursuits and not dependent upon said Anaconda Copper Mining Co. other than the welfare of every citizen of every community is dependent generally upon the prosperity of the community; that there is quite a large independent farming community made up of men who are qualified as jurors in the courts of the United States in the State of Montana; that there are a large number of men engaged in mercantile and other general businesses of like character.

Affiant states from such full knowledge of the conditions and the full acquaintance with the citizens of said county that he does not believe that the citizens of said county would not entertain any fear of injury to themselves from any conduct of said company toward them, and that he does not believe that the citizens of said county would entertain any fear of injury arising to them, or to any of them, by reason of their conduct as either witnesses upon cases in which said company was interested or jurors in the trial of the same, and that he does not believe that said citizens of said county would be influenced at all in the trial of cases wherein said company is interested in favor of said company, by reason of any fear, or dread of, or bias, or favor of, or hope of reward from said company; and affiant further says that he does not believe that there is any feeling among the citizens or residents of Deer Lodge County, either of bias in favor of said company or fear or dread of the same, which would influence the citizens of said county or any of them should they be called as jurors and be selected to sit in the trial of a cause wherein said company is interested.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Deer Lodge County, Mont., and that in affiant's opinion a fair and impartial trial could be had in the above action before a jury composed of such residents of Deer Lodge County.

E. P. MATHEWSON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF JOHN E. CORETTE.

STATE OF MONTANA, *County of Silver Bow, ss:*

John E. Corette, being first duly sworn, on oath deposes and says: That affiant is now, and for more than 23 years last past has been, a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County for a period of more than 10 years last past; that affiant has been during the greater portion of said time, and is now, employed by the Anaconda Copper Mining Co., and in addition has been engaged in general practice as an attorney at law, with his office in Butte, Mont.

That affiant is the attorney for the Daly Bank & Trust Co., of Butte, Mont.; that such employment and the services rendered under the same have had no connection with or relation to the Anaconda Copper Mining Co. in any way, and that the affairs of said bank are conducted entirely independently of said Anaconda Copper Mining Co. and its business and affairs; that affiant has also at different times rendered professional services to the Hennessy Co., of Butte, Mont., but that the Hennessy Co. has also employed a number of other attorneys to the same extent, some of said attorneys so employed being among those who have made affidavits for the plaintiff in this action, including T. F. Nolan and L. P. Donovan.

That during the years that affiant has been practicing his profession he has been generally familiar with the history of the trials of cases in Silver Bow County, including those tried before juries and against the Anaconda Copper Mining Co., and other corporations engaged in business in said Silver Bow County; that affiant has also during said time taken part in various political campaigns in the county of Silver Bow, wherein the Anaconda Copper Mining Co. and other corporations of Silver Bow County were discussed and made issues more or less. Affiant knows practically all of the lawyers practicing in Silver Bow County, Mont., and also has a large acquaintance amongst the miners, business men, and other residents of Silver Bow County, and is well acquainted with the conditions and public sentiment, both political and otherwise, in Silver Bow County, in relation to said Anaconda Copper Mining Co.

That to affiant's knowledge and belief, and affiant is of the opinion that he would know if such existed, there is no condition or sentiment or feeling of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment, feeling, or condition, which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

That affiant has heard discussed, and has discussed with many residents of Silver Bow County, including business men, lawyers, and other professional men, bankers, and men engaged in almost every other business and industry, the claim advanced by H. Lowndes Maury that a litigant could not obtain a fair trial against the Anaconda Copper Mining Co. before a jury of residents of Silver Bow County, and affiant states that, with the exception of the said Maury and two or three others of the lawyers who have made affidavits in the above action, he has never heard a claim made or opinion expressed that a fair trial could not be had under such circumstances; and on the contrary all of the others of such residents, including lawyers, have expressed themselves to the contrary, and emphatically and unhesitatingly given it as their opinion that there is no reason whatever why any case could not be fairly and impartially tried as against said Anaconda Copper Mining Co. before a jury of residents of Silver Bow County.

Affiant further says that he knows of no fact or reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, Mont., in the above-entitled court in said

county, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried before a jury of Silver Bow County residents in said Silver Bow County, Mont.

JOHN E. CORETTE.

Subscribed and sworn to before me this 28th day May, 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF CARL J. CHRISTIAN.

STATE OF MONTANA,
County of Silver Bow, ss:

Carl J. Christian, being first duly sworn, on oath deposes and says: That he is now, and for more than 23 years last past has been, a resident of Silver Bow County, Mont.; is an attorney at law by profession, and has been practicing his profession in Silver Bow County, Mont., for a period of seven years last past; that affiant during the time of his said practice has been employed as an attorney by the Anaconda Copper Mining Co., and has also been engaged in general practice outside of the services rendered said corporation; that affiant has been in and about the court rooms of Silver Bow County, Mont., including the Federal court, a great deal during the time he has been practicing and is generally familiar with the trial of cases in Silver Bow County, including those tried before juries, and including the cases tried against the Anaconda Copper Minning Co. and the other corporations operating in Silver Bow County, Mont.; that affiant has also, during all of said time, been an active member of the Silver Bow County Bar Association and has made a practice of attending its meetings. That affiant knows practically all of the lawyers practicing in Silver Bow County, and also has a large acquaintance among the other residents of said county; that to affiant's knowledge and belief there is no condition of bias or prejudice in favor of the said Anaconda Copper Mining Co., or of fear or dread or other sentiment, condition, or feeling which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action, or any other litigant, from securing a fair trial as against said Anaconda Copper Mining Co. before a jury composed of residents of Silver Bow County; that affiant has heard a number of discussions among lawyers and other residents of Silver Bow County in regard to the claim advanced by H. Lowndes Maury that a litigant would not obtain a fair trial against the Anaconda Copper Mining Co. before a jury composed of Silver Bow County residents, and that the said D. Lowndes Maury and one or two others of the lawyers who have made affidavits to such effect in this case, are the only ones that affiant has ever heard advance such opinion or claim, while on the contrary affiant has heard a large number of other residents, including lawyers practicing here, express an opinion to the contrary, and to the effect that there was no foundation for such a claim or belief, that a fair trial could not be obtained against the said Anaconda Copper Mining Co. before a jury of Silver Bow County residents, and that there is no reason why such fair trial could not be obtained under such conditions.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents thereof.

CARL J. CHRISTIAN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commissoin expires January 27, 1915.

AFFIDAVIT OF J. J. O'MEARA.

STATE OF MONTANA,
County of Silver Bow, ss:

J. J. O'Meara, being first duly sworn, on oath deposes and says: That he is now and for the past 33 years has been a resident of Butte, Silver Bow County,

Mont.; that affiant for a long period was engaged in working in and about the mines of Butte, and for a number of years last past has been engaged in various business enterprises in the city of Butte; and is at present general manager of the Centennial Brewing Co.; that affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant therein, nor in any of the other large mining companies operating in Butte, Mont.; that affiant has now, and during his entire residence in Butte has had, a large personal acquaintance generally in said Butte City, and especially with the workmen in and about the Butte mines, and affiant has also been more or less active in political matters; that affiant is well acquainted with the conditions and public sentiment both politically and generally in Silver Bow County, Mont., in relation to the mining companies and business enterprises conducted therein and other matters of general public interest in said Silver Bow County, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice of feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried before a jury of citizens of Silver Bow County in Silver Bow County, Mont.

J. J. O'MEARA.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF CHARLES E. YOULDEN.

STATE OF MONTANA,
County og Silver Bow, ss:

Charles E. Youlden, being first duly sworn, says on oath: That he has been a resident of Silver Bow County for a period of 13 years, and during such period has been engaged in various mercantile businesses, and is now president of the Davidson Grocery Co., engaged in the wholesale grocery business, and also a member of the firm of Youlden Grocery Co., engaged in the retail business in Butte City; that affiant is not employed by or connected with or interested in the Anaconda Copper Mining Co. or the Amalgamated Copper Co., and has no interest whatsoever in the above-entitled action; that affiant was for two years from and after February, 1912, president of the Butte Association of Credit men, having succeeded Mr. Charles E. Virden as such president; that prior to becoming president of such organization affiant was active in connection with its affairs and has attended most of its meetings; that affiant is acquainted with Charles J. Kelly, manager of the Hennessey Co.; that affiant has never seen the said Charles J. Kelly at any of the meetings of the said association, and is of the opinion that said Kelly has never attended such meetings; that the said Charles J. Kelly has never influenced or directed or attempted, to affiant's knowledge, to influence or direct the action of the said Association of Credit Men in any way whatsoever, directly or indirectly, and that there has never been any attempt or effort by any person or corporation whatsoever to influence said Credit Men's Association in favor of the Hennesey Co. or the Anaconda Copper Mining Co., or any of the other mining companies operating in Silver Bow County, Mont.

That the said credit men's association was organized and is organized for the purpose of keeping supervision over the credits extended by the wholesale dealers of the city of Butte to the retail dealers and others, and of assisting retail merchants requiring assistance to carry on their respective businesses, and for other purposes of mutual assistance to the wholesale and retail dealers of Butte; that the business or affairs of the Anaconda Copper Mining Co., or any other mining corporation, has never in any way entered into the administration of the affairs of the said credit men's association, but the same has been conducted on business principles and to the interest of all concerned, as in any other

community; that affiant is familiar with the method followed by the Hennessey Co. and the other merchants of Butte in regard to taking, where necessary, assignments from wage earners in connection with the sales made, and that all merchants of Butte are afforded the same opportunity by the various mining companies, including the Anaconda Copper Mining Co., for presenting and having accepted such assignments, and for the purpose of obtaining the information necessary in connection therewith; that the credit extended the wage earners by the various merchants and business houses in Butte is based solely upon the right to credit of each individual, and that the relation of such individual to any mining company or the feeling of such individual toward the mining company or the mining company toward such individual does not enter into the matter.

Affiant further states that his business has at all times and does now bring him in contact with all classes of people in said city and county, and that he is generally familiar with the sentiment in such community, and that affiant does not know of any sentiment or feeling of fear or bias or otherwise or other reason why the plaintiff in the above-entitled action can not obtain a fair trial therein before a court and jury composed of residents of Silver Bow County, in Silver Bow County, Mont., and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County in the above-entitled action, or upon any other issue to which the said defendant may be a party.

CHARLES E. YOULDEN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF A. T. MORGAN.

STATE OF MONTANA,
County of Silver Bow, ss:

A. T. Morgan, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and for the past 24 years has been, engaged in the real estate and insurance business in Silver Bow County, Mont.; that during all of said time affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 22 years, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

Affiant has been a member of jury panels in the State and Federal courts of Silver Bow County, and, as such, has acted upon the trial cases against corporations and others; that affiant has no connection with, and is not interested in, the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; and in affiant's opinion there is no public

or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

A. T. MORGAN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN J. KALOUSEK,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires October 20, 1916.

AFFIDAVIT OF SAMUEL BARKER, JR.

STATE OF MONTANA,
County of Silver Bow, ss:

Samuel Barker, jr., being first duly sworn, on oath deposes and says: That he is now and for the past 30 years has been, a resident of Silver Bow County, Mont.; that affiant is now and since the year 1886 has been, a civil and mining engineer, practicing his profession in Silver Bow County, Mont.; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past six years, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaign. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with, and is not interested in, the above entitled action, now in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartilly tried in Silver Bow County, Mont., before a jury composed of residents of said county.

SAMUEL BARKER, Jr.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL O'HOWE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires August 10, 1915.

AFFIDAVIT OF H. J. M'DONALD.

STATE OF MONTANA,
County of Silver Bow, ss:

H. J. McDonald, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County,

Mont.; that affiant is now, a practicing physician and surgeon, and has been such in Silver Bow County, Mont., for the past 24 years; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines, and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in political matters and politics. Affiant has also taken part in and participated in various political campaigns during the past 24 years, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co., and the other large mining companies, and in relation to the matters in which the said companies and their employees, and the public generally has been interested in said Silver Bow County.

Affiant further states, from hisknowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with, and is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

H. J. McDONALD.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF S. L. TRIPP.

STATE OF MONTANA,
County of Silver Bow, ss:

S. L. Tripp, being first duly sworn, on oath deposes and says: That he is now and has been for the past 13 years a resident of Butte, Mont., and engaged in the mercantile business, and is secretary-treasurer of the Tripp & Dragstedt Co., engaged in the grocery business in said city. That affiant was vice president of the Merchants' Association of Butte, Mont., during the years 1912 and 1913, an association of the retail merchants of said city, formed by said merchants for mutual protection, particularly in connection with the credit business done by them. That the said association has now merged with the Butte Chamber of Commerce.

That affiant is well acquainted with Mr. Charles J. Kelly, manager of the Hennessy Co., in said city, and that during affiant's connection with said merchants' association, covering a period of a number of years, the said Kelly has never been active in its affairs. That said Kelly, or the said Hennessey Co., or anyone else, has never at any time attempted to exercise or use any influence in connection with or to influence or use any proceedings in connection with said merchants' association, either on behalf of or against the Amalgamated Copper Mining Co. or the Anaconda Copper Mining Co. or any of the other mining corporations of Butte or vicinity. That the matters taken up by the said merchants' association in connection with credit to be extended to the customers of the members of said association has been entirely along business lines and has not been based or influenced in any way by any interest

of the Anaconda Copper Mining Co. or any other mining corporation, or based upon or influenced by the relations, friendly or otherwise, of said persons with said Anaconda Copper Mining Co., but that all of such matters have been based upon the facts in each case and upon the merits, without regard to such mining companies or their affairs. Affiant further says that there has been nothing in the affairs of said merchants' association or the business conducted by it which could in anywise affect or bias any person or persons whatsoever in Silver Bow County toward or against the parties to the above-entitled action, or any other mining corporation, or enter into in any way or influence in any way any proceedings in the above-entitled action to affiant's knowledge.

That affiant is familiar with the method followed by the Hennessy Co. and the other merchants of Butte in regard to taking, where necessary, assignments from wage earners in connection with the sales made, and that all the merchants of Butte are afforded the same opportunity by the various mining companies, including the Anaconda Copper Mining Co., for presenting and having accepted such assignments, and for the purpose of obtaining the information necessary in connection therewith. That the credit extended the wage earners by the various merchants and business houses in Butte is based solely upon the right to credit of each individual, and that the relation of such individual to any mining company, or the feeling of such individual toward the mining company or the mining company toward such individual does not enter into the matter.

Affiant further says that his business has at all times and does now bring him in contact with all classes of people in said city and county, and that he is generally familiar with the sentiment in such community, and that affiant does not know of any sentiment or feeling of fear or bias or otherwise or other reason why the plaintiff in the above-entitled action can not obtain a fair trial therein before a court and jury composed of residents of Silver Bow, in Silver Bow County, Mont., and that it is affiant's belief that the said plaintiff can have a fair and impartial trial before such a jury in Silver Bow County, in the above-entitled action, or upon any other issue to which the said plaintiff my be a party.

S. L. TRIPP.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires July 18, 1916.

AFFIDAVIT OF H. W. RODGERS.

STATE OF MONTANA,
County of Deer Lodge, ss:

H. W. Rodgers, being first duly sworn, says on oath: That he is an attorney at law admitted to practice in the courts of the State of Montana and also in the district court of the United States for the district of Montana, and that for more than 10 years last past he has been a resident of Anaconda, Deer Lodge County, Mont., and has been during such time engaged in the practice of law, having had during all the time above mentioned an office in the city of Anaconda, Deer Lodge County, Mont., being a member of the law firm of Rodgers & Rodgers, composed of W. W. Rodgers and H. W. Rodgers; that for more than two years last past he has been employed as one of the attorneys for the Anaconda Copper Mining Co., and during the course of his employment as such attorney for said company to a considerable extent he has had charge of the legal business of said company in the county of Deer Lodge, State of Montana.

Affiant further says that he has a large acquaintance with the business, laboring, and professional men and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matter in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lorge County, Mont.; affiant does not know of nor has he ever heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing

occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party before jurors selected from the residents of said Deer Lodge County; and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court or any other court before a jury composed of residents of said Deer Lodge County; and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

H. W. RODGERS.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,

Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires March 14, 1914.

AFFIDAVIT OF E. J. BOWMAN.

STATE OF MONTANA,
County of Deer Lodge, ss:

E. J. Bowman, being first duly sworn, on oath says: That he is now and for eight years last past has been a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now and has not at any time been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that during all of the said time affiant has been a resident of Anaconda, in Deer Lodge County, Mont., he has been connected in an official capacity with the Daly Bank & Trust Co. of Anaconda; for about the first five years of his residence in Anaconda he was the vice president and manager of said Daly Bank & Trust Co. of Anaconda, and that for the last three years he has been the president and manager of said Daly Bank & Trust Co. of Anaconda; that said Daly Bank & Trust Co. is incorporated under the laws of the State of Montana and does a large general banking business in said county of Deer Lodge; that in his connection with said bank in such official capacity and otherwise he has become acquainted with a great many people and residents of the said county of Deer Lodge; that the Anaconda Copper Mining Co. has not now and never has had during any of the time affiant has had such official connection with said bank any ownership or control of said Daly Bank & Trust Co. of Anaconda; nor has the Anaconda Copper Mining Co. directed or controlled the affairs or policy of said bank in any way; and affiant believes that prior to the time that he became connected with said bank in such official capacity as above stated that the Anaconda Copper Mining Co. never at any time had any ownership or control of the said Daly Bank & Trust Co.; and affiant believes that if it ever had had such control he would have obtained knowledge of the same from the records of said bank and from other sources available to him.

Affiant further states that he has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County, in relation to the said Anaconda Copper Mining Co., and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear of bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair

and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

The affiant knows of no reason, and believes none exists, why this action could not be tried in the United States or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

E. J. BOWMAN.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana,
residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF T. C. DAVIDSON.

STATE OF MONTANA,
County of Deer Lodge, ss:

T. C. Davidson, being first duly sworn, on oath says: That he is now and for 34 years last past has been a resident of Deer Lodge County, Mont., and for 20 years last past has been a resident of the city of Anaconda, in Deer Lodge County, Mont.; that affiant is not now and has not at any time been connected in any way, either in business or otherwise with the Anaconda Copper Mining Co.; that during all of said time affiant has been engaged in business in said county; and that a number of years ago, for about three years, affiant served as county commissioner in and for Deer Lodge County; that affiant has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county.

Affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co., and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear of bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party; that said affiant knows of no reason and believes none exists why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

T. C. DAVIDSON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana,
residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF W. H. TRIPPET.

STATE OF MONTANA,
County of Deer Lodge, ss:

W. H. Trippet, being first duly sworn on oath, says: That he is now, and for more than 30 years last past has been, a resident of Deer Lodge County, Mont.; and for more than 15 years last past has been a resident of the city of Anaconda, Deer Lodge County, Mont.; that he has, during all of said time, been an attorney at law, regularly admitted to practice in the courts of the State of Montana, and has been actively engaged in the practice of law in the county of Deer Lodge, Mont.; that for more than 15 years last past he has had his office in the city of Anaconda, in said county; that during the time above mentioned, he has been county attorney of the county of Deer Lodge for six years, having last held said office during the term of two years from the first Monday in January, 1909, and expiring immediately prior to the first Monday in January, 1911; that affiant is now city attorney in and for the city of Anaconda; that affiant is not now, and has not at any time, been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that affiant has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county, and is generally well acquainted with the people residing in said county, and has been well acquainted generally with the people in said county during all the time above mentioned.

Affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co., and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party before jurors selected from the residents of said Deer Lodge County, and affiant believes no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party; that affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

W. H. TRIPPET.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF ALFRED J. VERHEYEN.

STATE OF MONTANA,
County of Silver Bow, ss:

Alfred J. Verheyen, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 14 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, and in other counties in the State of Montana, for a period of more than two years last past.

That affiant is not now and never has been connected with the Anaconda Copper Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession, he has been carrying on a general practice and has been concerned in and has

tried a great many cases, some against corporations and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history and trial of cases in Silver Bow County, since he has been practicing his profession in said county and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions, and with public sentimen, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein, there is no condition in affiants opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said mining company, or any other conditions, sentiment, or reason, which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant further believes that a fair and impartial trial could be had by the plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

ALFRED J. VERHEYEN.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] FRED J. FURMAN,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires September 28, 1916.

AFFIDAVIT OF JOHN V. DWYER.

STATE OF MONTANA,
County of Silver Bow, ss:

John V. Dwyer, being first duly sworn, on his oath deposes and says: That affiant is now and for more than seven years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, in the State of Montana, for a period of more than five years last past; that for more than three years prior to the first Monday in January, 1913, affiant was deputy county attorney of said Silver Bow County, and ever since last-mentioned date has been and is now the chief deputy county attorney thereof; that affiant is not connected with or interested in the Anaconda Copper Mining Co., professionally or otherwise; that during all of the years affiant has been so practicing his profession he has been carrying on a general practice; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions, and with public sentiment, both political and otherwise in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiments therein, there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other conditions, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of

Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action, if tried in said Silver Bow County, Mont., before a jury composed of residents of said county.

J. V. DWYER.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF E. F. O'FLYNN.

STATE OF MONTANA.
County of Silver Bow, ss:

E. F. O'Flynn, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 18 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than four years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and other workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein, there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court, in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents of said county.

E. F. O'FLYNN.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF T. J. DAVIS.

STATE OF MONTANA, *County of Silver Bow, ss:*

T. J. Davis, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 17 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, in the State of Montana, for a period of more than 2 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during the period affiant has been so practicing his profession he has been carrying on a general practice; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court, in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury from said county.

T. J. DAVIS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF TIMOTHY J. HARRINGTON.

STATE OF MONTANA,
County of Silver Bow, ss:

Timothy J. Harrington, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 24 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County, in the State of Montana, for a period of more than three years last past; that affiant is now and has been ever since the first Monday in January, 1913, public administrator of said Silver Bow County.

That affiant is not now and has never been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during the period affiant has been so practicing his profession he has been carrying on a general practice; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow; and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or of fear or dread or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair and impartial trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be

had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury from said county.

TIMOTHY J. HARRINGTON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] W. T. BLEICK,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF JOHN F. DAVIES.

STATE OF MONTANA,
County of Silver Bow, ss:

John F. Davies, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 20 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 10 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corportions, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

JOHN F. DAVIES.

Subscribed and sworn to before me, this 28th day of May, A. D. 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF L. P. SANDERS.

STATE OF MONTANA,
County of Silver Bow, ss:

L. P. Sanders, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 13 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 13 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in some political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co., and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would in affiant's opinion prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court and in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

L. P. SANDERS.

Subscribed and sworn to before me, this 27th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF HENRY C. HOPKINS.

STATE OF MONTANA,
County of Silver Bow, ss:

Henry C. Hopkins, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 32 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties of the State of Montana for a period of more than 10 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried many cases; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow, and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co., and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment, or any other condition, sentiment, or reason which would in affiant's opinion in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court, in the county of

Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents of said county.

HENRY C. HOPKINS.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] JOHN E. CORETTE,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires June 18, 1916.

AFFIDAVIT OF F. J. FURMAN.

STATE OF MONTANA,
County of Silver Bow, ss:

F. J. Furman, being first duly sworn, on his oath deposes and says: That affiant is now and for more than five years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than four years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County, since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and other workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would in affiant's opinion in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana; and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

FRED J. FURMAN.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] A. J. VERHEYEN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 23, 1915.

AFFIDAVIT OF W. A. JACKSON.

STATE OF MONTANA,
County of Silver Bow, ss:

W. A. Jackson, being first duly sworn, on his oath deposes and says: That affiant is now and for more than four years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County, in the State of Montana, for a period of more than three years last past; that affiant is now and since January 1, 1912, has been deputy county attorney of said Silver Bow County.

That affiant is not connected with or interested in the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice; that affiant is generally familiar with the history and trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of the cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County, in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company or any other condition, sentiment, or reason which would in affiant's opinion in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow in the State of Montana; and affiant believes that a fair and impartial trial could be had by the plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents of said county.

W. A. JACKSON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF ALFRED C. KREMER.

STATE OF MONTANA, *County of Silver Bow, ss:*

Alfred C. Kremer, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 10 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law, and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 10 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice, and has been concerned in and has tried many cases, some against corporations, and has participated in the defense of cases for corporations as parties defendant; that affiant is generally familiar with the history and trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition in affiant's opinion of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would in affiant's opinion in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court in the county of Silver Bow, State of Montana; and affiant believes that a fair

and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

ALFRED C. KREMER.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF MILES J. CAVANAUGH.

STATE OF MONTANA,
County of Silver Bow, ss:

Miles J. Cavanaugh, being first duly sworn, on his oath deposes and says: That affiant is now and for more than 20 years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 25 years last past.

That affiant is not now and never has been connected with the Anaconda Copper Mining Co., professionally or otherwise.

That during all of the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried a great many cases, some against corporations, and has participated in the defense of cases for corporations, as parties defendant; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow and Deer Lodge Counties, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co.; and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co. or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow and Deer Lodge Counties.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow and Deer Lodge Counties in the above-entitled court, in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont.

M. J. CAVANAUGH.

Subscribed and sworn to before me this 27th day of May, A. D. 1914.

CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF PERCY NAPTON.

STATE OF MONTANA,
County of Silver Bow, ss:

Percy Napton, being first duly sworn, on his oath deposes and says: That affiant is now and for more than eight years last past has been a resident of Silver Bow County, Mont.; that affiant is an attorney at law and has been practicing his profession in Silver Bow County and in other counties in the State of Montana for a period of more than 12 years last past; that ever since the first Monday of January, 1913, affiant has been and is now deputy county attorney of said Silver Bow County.

That during the years affiant has been so practicing his profession he has been carrying on a general practice and has been concerned in and has tried

many cases; that affiant is generally familiar with the history of the trial of cases in Silver Bow County since he has been practicing his profession in said county, and particularly with the history of cases tried before juries, including those tried against the Anaconda Copper Mining Co. and other corporations engaged in business in said Silver Bow County; that during all of the years of his practice affiant has taken part and participated in the various political campaigns in the county of Silver Bow and has a large acquaintance personally among the inhabitants of Silver Bow County, including miners and workmen in and about the Butte mines; that affiant is well acquainted with the conditions and with public sentiment, both political and otherwise, in said Silver Bow County in relation to the Anaconda Copper Mining Co., and that from his knowledge as to the conditions and sentiment therein there is no condition, in affiant's opinion, of bias or prejudice in favor of said Anaconda Copper Mining Co., or of fear or dread or other sentiment in favor of said company, or any other condition, sentiment, or reason which would, in affiant's opinion, in any way prevent the plaintiff in the above-entitled action from securing a fair trial before a jury composed of residents of Silver Bow County.

Affiant further says that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana, and affiant believes that a fair and impartial trial could be had by plaintiff in the above-entitled action if tried in said Silver Bow County, Mont., before a jury of residents of said county.

PERCY NAPTON.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF D. F. KEHOE.

STATE OF MONTANA,
County of Silver Bow, ss:

D. F. Kehoe, being first duly sworn, on oath deposes and says: That he is now, and for the last 14 years has been, a resident of Butte, Silver Bow County, Mont.; that affiant is now, and since the first of the year 1913 has been, county clerk and recorder of Silver Bow County, Mont., and for the four years immediately preceding said time was deputy county clerk and recorder of Silver Bow County, Mont. Affiant further states that he has taken part in and participated in various political campaigns during the past 10 years in the various general elections had in said Silver Bow County during said period, and that the defendant in this action and the other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well ecquiainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont, and in his opinion there is no condition of general interest in, except usual interest in all industries in said community, or bias in favor of said defendant company or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant knows of no fact or reason why the above-entitled action could not be impartially tried in Silver Bow County before a jury composed of residents of Silver Bow County, and, in affiant's opinion, there would be no difficulty in securing a fair and impartial jury of such residents to try this action and render a fair and impartial verdict therein; and, in affiant's opinion, there is no sentiment of fear or bias or prejudice or other sentiment or feeling or any condition in Silver Bow County, Mont., which would in any wise interfere with or prevent the plaintiff in the above-entitled action from securing a fair and impartial trial, and that the same be fairly and impartially tried before a jury of citizens thereof in said Silver Bow County, Mont.; that affiant is not interested in the above-entitled action nor in the Anaconda

Copper Mining Co., the defendant therein, or in any of the other mining companies operating in said Silver Bow County, Mont.

D. F. KEHOE.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF WILLIAM M. TUOHY.

STATE OF MONTANA,
County of Silver Bow, ss:

William M. Tuohy, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and since January, 1914, has been, president of the Butte Chamber of Commerce and is now, and has been for the past 12 years, engaged in the wood and coal business in Butte, Mont., and employs in the neighborhood of 15 men; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 24 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

W. M. TUOHY.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1914.

AFFIDAVIT OF TIM DRISCOLL.

STATE OF MONTANA,
County of Silver Bow, ss:

Tim Driscoll, being first duly sworn, on oath deposes and says: That he is now, and for the past 27 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and since the first Monday of January, 1913, has been, sheriff of Silver Bow County, Mont.; that during all of said times affiant

became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 27 years in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action and other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and the other large mining companies, and in relation generally to the matters in which the said companies and their employees, and the public generally, have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County, in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action, and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

TIM DRISCOLL.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF P. C. GILLIS.

STATE OF MONTANA,
County of Silver Bow, ss:

P. C. Gillis, being first duly sworn, on oath deposes and says: That he is now, and for the past 24 years has been, a resident of Silver Bow County, Mont.; that affiant is now, and for the past 15 years has been, engaged in the mercantile business in the city of Butte, Mont.; that during all of said times affiant became widely acquainted with the miners and workmen in and about the Butte mines and the business men and other residents of Silver Bow County, and that during said period affiant has been more or less active in politics and political matters. Affiant has also taken part in and participted in various campigns during the past 10 years, in the various general elections had in said Silver Bow County, Mont., and that the defendant in this action, and other large mining companies operating in and near Butte, have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co. and the other large mining companies and in relation to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states, from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., other than the usual interest in any community in the industries carried on therein.

That affiant has no connection with and is not interested in the above-entitled action nor in the Anaconda Copper Mining Co., defendant herein, nor in any of the other large mining companies operating in or around Butte, Mont.

Affiant further states that he knows of no reason why the above-entitled action could not be fairly and impartially tried before a jury composed of residents of Silver Bow County in the above-entitled court in the county of Silver Bow, State of Montana; that in affiant's opinion there is no public or general or other sentiment of bias or prejudice or feeling of fear or other feeling in Silver Bow County, Mont., which would in any way interfere with or prevent a fair trial before such a jury in the above-entitled action, and affiant believes that a fair and impartial trial could be obtained by the plaintiff in the above action and that the said action could be fairly and impartially tried in Silver Bow County, Mont., before a jury composed of residents of said county.

P. C. GILLIS.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF J. J. FOLEY.

STATE OF MONTANA,
County of Silver Bow, ss:

J. J. Foley, being first duly sworn, on oath deposes and says: That he is now and for the 34 years last past has been a resident of Butte, Silver Bow County, Mont.; that affiant is at present, and since January, 1909, has been, the clerk of the District Court of the Second Judicial District of the State of Montana, in and for the county of Silver Bow; that during the period of his residence in Butte affiant has had, and now has, a very large personal acquaintance with the miners and workmen in and about the Butte mines, and has been more or less active in politics and political matters. Affiant has also taken part in and participated in various political campaigns during the past 12 years in the various general elections had in said Silver Bow County during the said period, and that the defendant in this action, and the other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns. That affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Anaconda Copper Mining Co., and in relation generally to the matters in which the said company and its employees and the public generally have been interested in said Silver Bow County.

Affiant further states from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in, except the usual interest in all industries in said community, or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant knows of no fact or reason why the above-entitled action could not be impartially tried in Silver Bow County before a jury composed of residents of such county, and in affiant's opinion there would be no difficulty in securing a fair and impartial jury of such residents to try this action and render a fair and impartial verdict therein, and in affiant's opinion there is no sentiment or fear, bias, or prejudice, or other sentiment or feeling or conditions, in Silver Bow County, Mont., which would in anywise interfere with or prevent the plaintiff in the above-entitled action from securing a fair and impartial trial, and that the same could be fairly and impartially tried in said Silver Bow County, Mont., before a jury of citizens of said county; that affiant is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., the defendant therein, or in any of the mining companies operating in said Silver Bow County, Mont.

J. J. FOLEY.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana,
Residing at Butte, Mont.

My commisison expires March 14, 1910.

AFFIDAVIT OF GUS J. STROMME.

STATE OF MONTANA,
County of Silver Bow, ss:

Gus J. Stromme, being first duly sworn, on oath deposes and says: That he is now, and for the last 26 years has been, a resident of Butte, Silver Bow County, Mont.; that affiant is now, and since the first of the year 1911, has been a member of the board of county commissioners of Silver Bow County, Mont., and is now chairman of said board, and for the two years 1907 and 1908 was county auditor for Silver Bow County, Mont. Affiant further states that he has taken part in and participated in various political campaigns during the past 20 years in the various general elections had in said Silver Bow County during said period, and that the defendant in this action, and the other large mining companies operating in and near Butte have been discussed and asserted as issues, more or less, in said campaigns; that affiant is well acquainted with the conditions and public sentiment, both politically and otherwise, in said Silver Bow County, in relation to the said Aanconda Copper Mining Co. and the other mining companies, and in relation generally to the matters in which the said companies and their employees and the public generally have been interested in said Silver Bow County.

Affiant further states from his knowledge of public sentiment in said Silver Bow County, Mont., and in his opinion, there is no condition of general interest in, except the usual interest in all industries in said community, or bias in favor of said defendant company, or any of the other mining companies operating therein, among the people in said Silver Bow County, Mont., and there is no prejudice, in affiant's opinion, against the above-named plaintiff.

That affiant knows of no fact or reason why the above-entitled action could not be impartially tried in Silver Bow County before a jury composed of residents of Silver Bow County, and in affiant's opinion there would be no difficulty in securing a fair and impartial jury of such residents to try this action and render a fair and impartial verdict therein, and in affiant's opinion there is no sentiment of fear or bias or prejudice, or other sentiment or feeling or any condition in Silver Bow County, Mont., which would in any wise interfere with or prevent the plaintiff in the above-entitled action from securing a fair and impartial trial and that the same could be fairly and impartially tried before a jury of citizens thereof in said Silver Bow County, Mont.; that affiant is not interested in the above-entitled action, nor in the Anaconda Copper Mining Co., the defendant therein, or in any of the other mining companies operating in said Silver Bow County, Mont.

GUS J. STROMME.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

AFFIDAVIT OF E. E. MOORE.

STATE OF MONTANA,
County of Deer Lodge, ss:

E. E. Moore, being first duly sworn, on oath says: That he is now and for 19 years last past has been a resident of Anaconda, Deer Lodge County, Mont.; that during all of said time above mentioned affiant has been the manager of the Copper City Commercial Co.; that said Copper City Commercial Co. is now a branch of what is known as the Hennessy Co., a corporation whose principal place of business is Butte, Mont., but that the Copper City Commercial Co. is now and has been during all the times above mentioned a large department store with numerous customers, and doing a large retail and wholesale business in the city of Anaconda, Deer Lodge County, Mont.; that as such manager of the said Copper City Commercial Co. affiant has direct and immediate charge of its affairs in the city of Anaconda, County of Deer Lodge, State of Montana.

That the Anaconda Copper Mining Co. is not interested in either the Copper City Commercial Co. or in the Hennessy Co. above mentioned, to affiant's best knowledge, information, and belief, and he believes that if the Anaconda Copper Mining Co. had any interest therein that he would know of the same owing to his position as manager of the Copper City Comercial Co.; that affiant is not now and has not at any time within nine years last past been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.

Affiant further says that as such manager of the Copper City Commercial Co. and otherwise during all the time of his residence in the city of Anaconda, Deer Lodge County, Mont., as above set out, he has had occasion to meet large numbers of people and residents of Deer Lodge County. Mont., and has been intimately acquainted with many of them; and that he has a large acquaintance with the business, laboring, and professional men, and those engged in mining and other pursuits in said county.

Affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of nor has he ever heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial, in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

E. E. MOORE.

Subscribed and sworn to before me this 28th day of May, 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.

Due service of the foregoing affidavit is hereby admitted, and copy received this ——— day of May, A. D. 1914.

———— ————,
———— ————,
Attorneys for Plaintiff.

AFFIDAVIT OF MYLES KELLEY.

STATE OF MONTANA, *County of Deer Lodge, ss:*

Myles Kelley, being first duly sworn, on oath says: That he is now, and for 20 years last past has been, a resident of Anaconda, Deer Lodge County, Mont.; that affiant is now the sheriff of Deer Lodge County, Mont., and has been sheriff of Deer Lodge County, Mont., since the first Monday of January, 1913; that since he has been such sheriff he has not been connected in any way either in business or otherwise with the Anaconda Copper Mining Co.; that affiant has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county; that affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co., and the public generally, are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case where the said company is a party before jurors

selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from the residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

The affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

MYLES KELLEY.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.

Due service of the foregoing affidavit is hereby admitted, and copy received this ——— day of May, A. D. 1914.

———— ————,
———— ————,
Attorneys for Plaintiff.

AFFIDAVIT OF J. P. STAGG.

STATE OF MONTANA, *County of Deer Lodge, ss:*

J. P. Stagg, being first duly sworn, on oath says: That he is now, and for 25 years last past has been, a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now, and has not at any time been, connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that during the 20 years last past affiant has been engaged in business in the city of Anaconda, in said county of Deer Lodge; that affiant has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co., and in relation generally to matters in which the said Anaconda Copper Mining Co., and the public generally, are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case where the said company is a party before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

J. P. STAGG.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana,
Residing at Anaconda, Mont.

My commission expires January 23, 1916.

Due service of the foregoing affidavit is hereby admitted and copy received this ——— day of May, 1914.

———— ————,
———— ————,
Attorneys for Plaintiff.

AFFIDAVIT OF M. L. M'DERMOTT.

STATE OF MONTANA,
County of Deer Lodge, ss:

M. L. McDermott, being first duly sworn, on oath says: That he is now and for 16 years last past has been a resident of Anaconda, Deer Lodge County, Mont.; affiant has been since the first Monday in January, 1913, clerk of the district court in and for Deer Lodge County, Mont.; that during the time he has been such clerk of said court, he has not been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that prior to the time he became clerk of said court, during his residence in Anaconda, he worked at various employments as a common laborer and also for a number of years as an electrician; that affiant has a large acquaintance with the business, laboring, and professional men and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County, in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way, a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

M. L. MCDERMOTT.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,
Notary Public for the State of Montana,
Residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF B. D. MAHAN.

STATE OF MONTANA,
County of Deer Lodge, ss:

B. D. Mahan, being first duly sworn, or oath says: That he is now, and for 28 years last past has been a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now, and has not within 18 years last past, at any time, been connected in any way, either in business or otherwise, with the Anaconda Copper Mining Co.; that during all of said time affiant has been engaged in business in said county, and since first Monday in January, 1913, has been a member of the board of county commissioners of Deer Lodge County, Mont.; that affiant has a large acquaintenance with the business, laboring and professional men, and those engaged in mining and other pursuits in said county.

Affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County, in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County; and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

B. D. MAHAN.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,

Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF R. B. ABBOTT.

STATE OF MONTANA, *County of Deer Lodge, ss:*

R. B. Abbott, being first duly sworn, on oath says: That he is now, and for 12 years last past has been, a resident of Anaconda, Deer Lodge County, Mont.; that affiant is not now, and has not at any time been, connected in any way in business or otherwise, with the Anaconda Copper Mining Co.; that during all of said time affiant has been engaged in business in said county, and has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in this county; affiant is well acquainted with the conditions and public sentiment in said Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of, nor has he ever heard of, any attempt by said company to influence jurors or witnesses in any court in their action, as such, nor of any attempt to reward or punish or affect in any way a junior or witness who has participated in any trial; and affiant believes that if such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party, before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court, or any other court, before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

R. B. ABBOTT.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,

Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1916.

AFFIDAVIT OF W. B. RODGERS.

STATE OF MONTANA, *County of Deer Lodge, ss:*

W. B. Rodgers, being first duly sworn, says on oath: That he is an attorney at law, admitted to practice in the courts of the State of Montana, and also in the District Court of the United States for the District of Montana; that for more than 16 years last past he has been a resident of Anaconda, Deer Lodge County, Mont.; that from about the 1st of March, 1898, until about the 1st of March, 1902, he held the office of the United States attorney for the district

of Montana, and was located at Helena, Mont., but maintained his legal residence in Deer Lodge County, Mont.; that at the expiration of his term of office as such United States attorney he returned to Anaconda, and has ever since been engaged in the practice of law in Deer Lodge County, though for the last several years, since on or about the 1st day of September, 1910, he has been principally engaged in the practice of law in the city of Butte, Silver Bow County, Mont., but has maintained his residence in Anaconda, Deer Lodge County, Mont.; that for about 12 years he has been employed by the Anaconda Copper Mining Co., as one of its attorneys, and has to a considerable extent during all of said time had charge of the legal business of said company in the county of Deer Lodge, State of Montana, though since the employment of one H. W. Rodgers, as an attorney for said company, said affiant has devoted most of his time to the legal business of said company in Silver Bow County, Mont., and also to a certain extent in other counties of said State.

Affiant further says that he has a large acquaintance with the business, laboring, and professional men, and those engaged in mining and other pursuits in said county; affiant is well acquainted with the conditions and public sentiment in Deer Lodge County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the said Anaconda Copper Mining Co. and the public generally are interested in Deer Lodge County, Mont.; affiant does not know of nor has he ever heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial, and affiant believes that if any such thing occurred during his residence in such county he would have heard or known of the same.

Affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion, there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party before jurors selected from the residents of said Deer Lodge County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Deer Lodge County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be tried in the United States court or any other court before a jury composed of residents of said Deer Lodge County, and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Deer Lodge County.

That affiant has a considerable acquaintance with the residents and citizens of Silver Bow County, Mont., and with the conditions and public sentiment in said Silver Bow County in relation to the said Anaconda Copper Mining Co. and in relation generally to matters in which the Anaconda Copper Mining Co. and the public generally are interested in Silver Bow County, Mont. Affiant does not know of, nor has he ever heard of any attempt by said company to influence jurors or witnesses in any court in their action as such, nor of any attempt to reward or punish or affect in any way a juror or witness who has participated in any trial; affiant further says that from his acquaintance with the residents of said county and his knowledge of the public sentiment therein, in his opinion there is no condition of general interest in or fear or bias in favor of the said Anaconda Copper Mining Co. which would prevent a litigant from obtaining a fair and impartial trial in a case wherein the said company is a party before jurors selected from residents of said Silver Bow County, and affiant believes that no difficulty would be had in impaneling a jury from residents of said Silver Bow County who would try a case fairly and impartially wherein the said Anaconda Copper Mining Co. is a party.

That affiant knows of no reason, and believes none exists, why this action could not be brought in the United States court or any other court, before a jury composed of residents of said Silver Bow County; and affiant believes that a fair and impartial trial could be obtained in the above action before a jury made up of residents of Silver Bow County.

W. B. RODGERS.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] HIRAM W. RODGERS,

Notary Public for the State of Montana, residing at Anaconda, Mont.

My commission expires January 23, 1914.

AFFIDAVIT OF L. O. EVANS.

STATE OF MONTANA,
County of Silver Bow, ss:

L. O. Evans, being first duly sworn, deposes and says: That he is now, and since December, 1895, has been, residing and practicing his profession at Butte, Silver Bow County, Mont.

That until the consolidation of the said companies with the Anaconda Copper Mining Co. in the year 1910 affiant was continuously employed as an attorney at law by the Boston & Montana Consolidated Copper & Silver Mining Co. from early in the year 1895, by the Butte & Boston Consolidated Mining Co. since shortly after its incorporation in 1897, and by the Parrot Silver & Copper Co., Anaconda Copper Mining Co., Washoe Copper Co., and Trenton Mining & Development Co. and its predecessor in interest, the Colorado Mining & Smelting Co., since the summer of 1901, and by the Butte, Anaconda & Pacific Railway Co. from the summer of 1901 to the present time; and that since the properties of the above-named companies, excepting those of the Butte, Anaconda & Pacific Railway Co., were conveyed to the Anaconda Copper Mining Co. by conveyances as of March 31, 1910, affiant has been and is now employed as an attorney by the defendant Anaconda Copper Mining Co.; that affiant, as attorney for said corporations, has become familiar with their affairs and business, and particularly with that of the Anaconda Copper Mining Co.

That affiant has read the affidavits filed on behalf of the plaintiff upon application for a change of place of trial to Helena in the above action and is familiar with their contents; that the Anaconda Copper Mining Co. is not now and has not been at any time since affiant's connection with it engaged in mining or other industrial business in the county of Lewis and Clark, State of Montana; that said company has large smelting works in Deer Lodge County, Mont., but the only mine operated by said company in said Deer Lodge County is a gold-producing mine known as the Southern Cross, which employs approximately 100 to 150 men, said mine situated a distance of about 18 miles from the city of Anaconda.

That affiant and John E. Corette, of Butte, Mont., are and have been for a number of years the sole attorneys for the Butte Water Co., and affiant has been so employed since long prior to his employment by the Anaconda Copper Mining Co.; that the affairs and business of the Butte Water Co. are conducted entirely independent of and separately from the operations of said Anaconda Copper Mining Co.; and that within the past five years the only cases tried by or against said water company have been two in number, one a case involving the construction of a contract with the city of Butte, which was tried by the court without a jury and decided in favor of the Butte Water Co., and affirmed by the Supreme Court of Montana; the other, a case involving the title to real estate, was tried by a jury of residents of Silver Bow County, and a verdict returned by said jury against said water company in direct conflict with the instructions given the jury by the court, for which reason the verdict was afterwards set aside by the court and the case afterwards settled and dismissed.

That affiant is also attorney for the North Butte Mining Co., a large mining company operating in Butte, Mont., and has been such attorney since immediately after the incorporation of the company in about 1905.

That neither the Anaconda Copper Mining Co. nor the Amalgamated Copper Co. has ever had any interest in said North Butte Mining Co., and affiant is informed and believes that there never has been at any time and are not now any common directors or officers of said North Butte Mining Co. and said Anaconda Copper Mining Co. That as shown by the records of the courts of Silver Bow County there have been two cases tried in said county in which the North Butte Mining Co. was a party since its organization, both of which were of the class known as personal-injury cases; in one of these cases the plaintiff, whose injuries were shown to have been of the slightest, recovered a verdict of $1,500, and in the other, tried in this court, the jury returned a verdict for the defendant. That the said North Butte Mining Co. has always followed the same general practice of settling all claims and cases, if possible, as that followed by the Anaconda Copper Mining Co., as hereinafter specified. That the management and operations of the said North Butte Mining Co. have at all times been entirely separate and distinct from said Anaconda Copper Mining Co., the only thing in common between them, so far as affiant knows, or has been able to learn, being their employment of the same counsel and assistants in connection with the claims and suits and other legal matters.

Affiant is also one of the attorneys for the Montana Power Co.; that the operations of said company are entirely independent of and separate from those of the Anaconda Copper Mining Co. and the other mining companies in Butte; and that the said Anaconda Copper Mining Co. has no interest in or connection with the said power company.

That the ores produced by the Alex Scott Mining Co. are not smelted at the works of or by the Anaconda Copper Mining Co., said ores being treated and reduced at the smelter of the East Butte Mining Co.; that the ores produced by the North Butte Mining Co. and the Tuolumne Mining Co. are smelted and reduced by the Anaconda Copper Mining Co.; and that the said ores are handled and treated as other custom ores, and there is no other connection with the said companies.

That ever since affiant has been connected with the said corporations above named it has been the policy of each and all of them, and particularly has it been the policy of the Anaconda Copper Mining Co. during recent years, to settle, if possible, every claim or case brought, whether there appeared a possibility of legal liability to the plaintiff or not, and where a settlement within reason could be obtained.

That in addition it has been and is the practice of the Anaconda Copper Mining Co. to settle almost every claim presented, whether there was apparently any legal liability assertable on the claim or not, and that in addition to the settlement of cases actually begun it has been the practice of said corporations, and particularly the Anaconda Copper Mining Co., to settle are possible claims without litigation. That affiant has not been able to collate from the records even an approximation of the number of claims settled without litigation upon personal-injury claims, but that the records kept by said corporation show that in the year 1913 there was 403 settlements made by said Anaconda Copper Mining Co. upon claims for personal injuries and deaths. That in addition to the direct settlements made by said corporations upon claims presented, all of the said companies, and particularly the Anaconda Copper Mining Co., have assisted their employees injured and the relatives of employees killed or injured in a great many cases in substantial amounts where no claim of liability was made, and in addition in a great many cases where no claim of liability was made they paid the expense of medical attendance and burial, and besides the settlements above stated the above-named corporations, and particularly the Anaconda Copper Mining Co., have pursued the practice of giving positions as watchman or other congenial employment to workmen crippled in their employ, and in a number of cases have created positions for such crippled employees.

That as a result of the foregoing but very few cases have been tried to which the said Anaconda Copper Mining Co. or the other companies above named have been parties; that since the consolidation of said companies, which was made as of date March 31, 1910, as shown by the records, there have been but two personal-injury cases tried in Silver Bow County against said Anaconda Copper Mining Co., one of which was tried by the court sitting without a jury, and a decision rendered in favor of the defendant and affirmed by the supreme court; the other was tried before a jury, and a verdict was rendered for the defendant; in this latter case the evidence introduced by the plaintiff, in affiant's opinion, clearly disposed of any claim of liability as against the defendant.

That there have been since the time of said consolidation approximately 87 personal-injury cases brought against said Anaconda Copper Mining Co., almost all of which have been settled and dismissed. That affiant has read the statement of H. L. Maury, in his affidavit filed herein, that for a period of more than seven years there has not been a verdict rendered against the Anaconda Copper Mining Co., the Parrot Silver & Copper Co., the Butte & Boston Consolidated Mining Co., the Trenton Mining & Development Co., and Boston & Montana Consolidated Copper & Silver Mining Co., or the Washoe Copper Co., in Silver Bow County. That the records of the courts of Silver Bow County, including this court, show the history of cases tried against said companies and against the Butte, Anaconda & Pacific Railway Co., a majority of the stock of which is owned by the Anaconda Copper Mining Co., during a period of approximately seven years last past, to be as follows:

No cases whatsoever have been tried against said Butte & Boston Consolidated Mining Co.

The Washoe Copper Co. has tried three cases, two by the court sitting without a jury, in one of which the court found against the said Washoe Copper Co. and the other for said Washoe Copper Co.; and the other, a case tried

against the Washoe Copper Co., in which the verdict was rendered for said Washoe Copper Co.

Two cases have been tried by said Parrot Silver & Copper Co., in one of which a nonsuit was granted by the court and the other a verdict was returned for the defendant by the jury.

Two cases have been tried against the said Boston & Montana Consolidated Copper & Silver Mining Co., in one of which, the case of Osterholm against said company, for injuries to plaintiff's foot, tried in the district court, Hon. George M. Bourquin, judge presiding, the jury returned a verdict for the plaintiff in the sum of $7,500 on November 7, 1905; this judgment was reversed by the Supreme Court of the State of Montana and the case afterwards settled and dismissed; and the case of Northam against said company, tried in this court, in which a verdict was rendered for the defendant. Upon the first trial of this case the jury was instructed by the court to return a verdict for the defendant; upon appeal the judgment was reversed and the case remanded for a second trial; the judgment upon the second trial was by this court set aside because of erroneous instructions, a new trial granted, and the case afterwards settled for the sum of $4,500 and dismissed.

No cases have been tried against the Trenton Mining & Development Co.

Against the Anaconda Copper Mining Co. four cases were tried, in one of which, the case of Dennis P. Leary against said company, there were two trials; upon the first trial a verdict for $6,500 was returned against the company; upon appeal to the supreme court the judgment was reversed because of erroneous instructions, and on the second trial a verdict was returned for the defendant; after the case had been disposed of, affiant is informed and believes, a settlement was made with the plaintiff Leary wherein he was paid the sum of $3,500 and other compensation.

The case of Maronen against the Anaconda Copper Mining Co. was tried by the court sitting without a jury, and judgment was rendered for the defendant and affirmed by the supreme court upon appeal.

In the case of O'Reilly against the said Anaconda Copper Mining Co., a nonsuit was granted by the district court, Hon. George M. Bourquin, presiding judge.

In the case of Katie Kearney against the Anaconda Copper Mining Co., a verdict for the defendant was returned by the jury.

Against the Butte, Anaconda & Pacific Railway Co. there have been five cases tried, in two of which there were two trials each; four of these cases were personal-injury cases, the other for damages on account of fire alleged to have been set by the railway company's engine.

In the case of Bernard Harrington against the railway company, tried in February, 1907, the case being brought by the plaintiff, a minor, for injuries which resulted in the loss of part of one arm, a verdict was returned for the plaintiff in the sum of $20,000. A new trial was granted by the district court, and upon the second trial of the action, in March, 1908, the jury returned a verdict in the sum of $20,000. The district court, Hon. George M. Bourquin, judge presiding, held the amount excessive and reduced the same to the sum of $12,000, which with costs was paid by the defendant.

The case of J. P. Harrington, the father of Bernard Harrington, was brought up against the railway company, to recover for loss of service, was tried in February, 1907, and a verdict returned for the sum of $4,000; on appeal to the supreme court the judgment was reversed on the ground, among others, that the evidence was insufficient, and a second trial was had in May, 1908; upon the second trial the jury returned a verdict in favor of plaintiff in the sum of $7,500; upon motion for a new trial, Hon. George M. Bourquin, presiding judge, reduced the same to $4,000, holding that the verdict was excessive, and this judgment with costs was paid.

The case of Nicholas against the Butte, Anaconda & Pacific Railway Co. was for injuries claimed to have been received by reason of the frightening of a team of horses at a railroad crossing.

Knuth against the Butte, Anaconda & Pacific Railway Co. was a case for damages from a fire claimed to have been set by one of the railway company's engines.

Boyle against the Butte Electric Railway Co. and the Butte, Anaconda & Pacific Railway Co. jointly was for injuries claimed to have been received by Boyle, an employee of the street railway company. In both of these two latter cases verdicts were returned for the defendants, the verdict in the Boyle case being in favor of both defendants.

In the approximate period above given the records show that of the 18 cases tried against the said companies 3 were tried by the court without a jury, 2 being decided in favor of the corporations and one against them; and in 2 cases tried before juries nonsuits were granted by the court; and in the cases in which verdicts were rendered, including the Harrington cases, 6 were against and 7 in favor of the corporations.

That affiant either assisted in the trial of the above cases or was familiar with the evidence in the same, and that, in affiant's opinion, in every case in which the defendant corporations were successful before juries, the evidence was overwhelmingly against the plaintiffs and in favor of said defendants.

That affiant has been familiar not alone with the cases tried against the corporations above named but generally with the history of the trial of cases in Silver Bow County since he has been a resident thereof, and that, in affiant's opinion there is not now and has not been at any time during affiant's residence in Silver Bow County any difficulty whatever in securing a fair and impartial jury to try any case against any corporation or person therein. That it has been affiant's experience and is his opinion that the same conditions to a large extent prevail and have prevailed in Silver Bow County as elsewhere in respect to the prejudice of juries against corporations in personal injury cases or bias toward the plaintiffs in such cases, and it is affiant's opinion that many jurors in Silver Bow County, as elsewhere, do not give the same consideration to the evidence of a defendant corporation in a personal-injury case as that accorded the evidence presented on behalf of the plaintiff, and that such jurors, through sympathy or prejudice, are inclined to return verdicts if any basis whatever can be found therefor, for the plaintiff in such cases.

Affiant further says that he knows of nothing in the operations of the defendant corporation or the conduct of its business affairs which would tend to influence or coerce or intimidate in any way or prevent the free exercise of their judgment by any jurors of Silver Bow County, Mont., who might be selected to try a case against said corporation.

Affiant further says that he is and has been for a number of years well acquainted with H. Lowndes Maury, counsel for the plaintiff in this section, and who had made an affidavit in his behalf; that with the exception of the employment of the firm of which the said Maury is a member by the Montana Power Co. and its predecessors in interest for a period, the said retainer having come to said firm through one of the members, Mr. J. L. Templeman, who, previous to entering said firm, had been and was then employed by the predecessors of said Montana Power Co., and, with the exception of his service as attorney for the city of Butte for one term—a successor having been chosen for him at the end of the first term, although affiant is informed and believes that said Maury actively sought reappointment to the office—the legal business of the said Maury has been almost wholly made up of what is known as personal-injury litigation, including actions for injuries which have resulted in deaths, mainly against corporations. That the said Maury and certain partners associated with him early in his career, as affiant is informed and believes, established the business of soliciting said business on contingent fees, and the said Maury had persistently, for the past eight years or more, conducted a campaign of hatred and abuse against corporations in Silver Bow County, and particularly the defendant corporation, for the purpose, as affiant is informed and believes, of advertising and aiding his personal-injury business.

That affiant is informed and believes that the said Maury became a member of, and has continued an active membership in, the Socialist Party in Silver Bow County for the purpose or effect both in securing such business and aid in carrying on the same from members of the party as parties, jurors, or otherwise. That as a part of said campaign the said Maury began to circulate in public and private at practically every opportunity, and has continued so to do, the claim advanced in his affidavit in this case, that his clients and other litigants could not obtain fair trials in cases in Silver Bow County against the corporations hereinbefore named, including the defendant corporation. That it has been the habit and custom of the said Maury, whenever opposed or defeated in any of his purposes or plans or cases, to inflict a tirade of abuse and slander upon the offending person, whether judge, juror, opposing counsel, or others, and that in affiant's opinion, while his lack of success in recent years—affiant being informed that the said Maury has lost approximately the last nine cases which he has tried, and none of which were against this defendant corporation—in the trial of cases in Silver Bow County has probably been due mainly to lack of merit in his cases; it has also probably been due in part to such

practices and habits of the said Maury. That affiant is informed and believes that the said Maury has not made and does not now make, the charge of inability to obtain a fair trial against this defendant corporation in good faith, or for the purpose of obtaining a fair trial in such cases elsewhere, but in order to make such litigation expensive and irksome to the defendant and increase the said Maury's revenues from settlements of each year.

That affiant has read the statement in the affidavit of said Maury; that for a period of seven years last past no verdict for plaintiff in a personal-injury suit has been returned in this court, or the circuit court, which preceded this district court. That affiant has caused the records of this court to be examined for seven years, running back to April 7, 1907, and is advised that the said records show, and affiant therefore states the facts to be, that during that period there have been 14 personal-injury cases tried to juries in said courts; in four of these, verdicts were returned for the plaintiffs; in three, verdicts were returned for the defendant under peremptory instructions from the court, and in seven of the cases verdicts were returned by the juries for the defendants; the above includes the case against the Chicago, Milwaukee & St. Paul Railway Co., in which a verdict for $7,500 was returned in favor of plaintiff within a day or two after the filing of the said Maury affidavit herein. One of said cases was against the Boston & Montana Consolidated Copper & Silver Mining Co.; one against the North Butte Mining Co., and the others against various other corporations, which are not charged to be or have been affiliated in any way with the said Anaconda Copper Mining Co.

That affiant has also caused the records of the district court of Silver Bow County, for the past five years, to be examined, and is advised that such records show, and affiant therefore states the fact to be, that in approximately 40 cases, including 12 wherein the city of Butte was a party, verdicts have been rendered in personal injury cases by juries in favor of corporations other than corporations charged in any of the affidavits filed herein on behalf of plaintiff, to be or to have been in any way affiliated or connected with the Anaconda Copper Mining Co., and that during said period a great many verdicts have also been rendered against corporations.

Affiant further states that for some years past in Silver Bow County there has been a political party called the Socialist party, the campaign of many of the members of which party has largely consisted of tirades and attacks upon corporations, and particularly upon the defendant corporation; that the following, among those who have made affidavits on behalf of the plaintiff in this action, are commonly reputed to be, and as affiant is informed and believes, and therefore states, are and have been members of such party: H. Lowndes Maury, Charles A. Wallace, Alexander Mackel, William F. Davis, H. A. Tyvand, J. D. Eason, junior, I. G. Denny, Jalmar Koskinen, Frank Osterman and Joseph Modena; and the said Susie Maronen, who made an affidavit herein, or a person of the same name, is the widow of August Maronen, deceased, and will be one of the chief beneficiaries under any judgment which may be recovered in the action of Latva against the Anaconda Copper Mining Co.; the said Jalmar Koskinen, who has made an affidavit on behalf of plaintiff herein, as affiant is informed and believes, has been active in presenting or attempting to present, claims for damages for personal injuries against this defendant corporation, and as affiant is informed and believes, as one of the chief advisers of the said Susie Maronen, prevented a satisfactory settlement being made with the said Susie Maronen for the claim based upon the death of her husband; the said Dennis P. Leary, who has made an affidavit herein, or a man of the same name, is a man who prosecuted an action for personal injuries against the Anaconda Copper Mining Co., as herein set forth, and who, after his action had been finally defeated, was paid the sum of $3,500 and other valuable consideration by the defendant; the said H. Lownders Maury, Charles A. Wallace, Alexander Mackel, H. A. Tyvand, and J. O. Davies, P. E. Geagan, A. A. Grorud, and B. K. Wheeler as attorneys practicing in Butte, the principal part of whose business consists of the prosecution and presentation of claims for personal injuries and damages against corporations and others; that said R L. Clinton, who has made an affidavit herein, has been chief attorney in very bitter litigation on behalf of certain farmers residing in Deer Lodge County against this corporation, and is also counsel in other pending litigation against this defendant; that the said Edward C. Smith has not, to affiant's knowledge, practiced law in Silver Bow County, and affiant is informed and believes that since residing here he has devoted his time to stenographic work, and affiant is informed and believes that the said Smith has been employed more or less by the said H. Lowndes

Maury; that about the time the said Smith first came to Butte, the said Maury acted as attorney for the said Smith, or was employed by the said Smith in an action in which the said Smith was very much interested. That the said Edward C. Smith, P. E. Geagan, M. J. English, George B. Dygert, J. D. Eason, jr., I. G. Denny, A. A. Grorud, C. N. Davidson, M. Kerr Beadle, and Ed Fitzpatrick, who have made affidavits in behalf of plaintiff, have never tried a case against this defendant corporation in Silver Bow County. The said Homer G. Murphy, who has made an affidavit on behalf of plaintiff, is a resident of Lewis and Clark County, Mont., and affiant is informed and believed is not widely acquainted in, and has spent but little time in Silver Bow or Deer Lodge County.

Affiant further says that although there is and has been during all of said times in force in the State of Montana a statute providing for a change of venue from the county wherein a case is brought, where there is reason to believe that a fair trial can not be had therein, and although there has been filed in the District Court of Silver Bow County, Mont., since the early part of the year 1910, more than 87 cases against this defendant corporation, and many actions filed prior to that time, there has never been but one application in Silver Bow County, wherein the defendant was a party, for a change of venue on account of inability to obtain a fair trial against defendant, which application was by the court, after a full hearing, denied, and the only other case in which such question has been raised or objection raised, was the case of Northam against the Boston & Montana Consolidated Copper & Silver Mining Co., wherein the said H. Lowndes Maury, as attorney for plaintiff, objected to the transfer of the cause from Helena to Butte upon such ground, which objection was by the circuit court, Hon. William H. Hunt, presiding, overruled, and the case ordered transferred.

Affiant further says that on or about Thursday, May 7, at the time that this court overruled the demurers of defendant in the cases of Latva against the defendant corporation, and Osterman against this defendant corporation, the said H. Lowndes Maury requested this court to set the said two cases and the case of Modena against this defendant corporation for trial; the defendant corporation in each of said cases was given until Thursday, May 14, in which to file answers in such cases, and said Maury announced that upon the answers being filed he would immediately ask that the said cases be set for trial before the jury panel then in attendance upon this court. After the filing of defendant's answers in the said three cases, on Saturday, May 16 last, affiant requested the court to set the case of Latva against the defendant corporation for trial, and objection was made by the said H. Lowndes Maury, he then stating that he intended to file an application for change of venue in that and the other two cases, and when reminded of his request a week before to have the cases set for trial, the said Maury, in substance, stated in open court that at the time he had requested the cases set for trial, he was satisfied with the jury panel and would have been satisfied to have let his cases go to trial before the jury panel as it then stood.

Affiant further states that the premises where the accident occurred, which is the basis of this action, are situated in Silver Bow County, Mont., and that all of the counsel for the defendant corporation, and also counsel for plaintiff, reside at Butte, Silver Bow County, Mont.; that upon the trial of said cause it will be necessary, as affiant is advised, to have witnesses, at least five in number, on behalf of the defendant, all of whom will be residents of Silver Bow County, and that if the venue of the cause be changed from Silver Bow County, Mont., the attorneys and witnesses residing in Butte will be compelled to go to Helena and will be caused considerable inconvenience by so doing, and defendant will be put to large and additional expense; that by reason of the fact that if a change of venue be granted upon the application made in this case, the same reasons which would impel the same would exist in almost any other action brought against the defendant corporation, and the result would be that the defendant would have to employ local counsel at the place to which the venue would be changed and be put to more or less expense in employing counsel and securing the attendance of such counsel from Butte as would be necessary upon the trial of such cases.

Affiant further states that since the claim was first advanced by the said H. Lowndes Maury that a fair trial could not be obtained before a jury of residents of Silver Bow County, in a case wherein the defendant corporation or the other corporations, predecessors of this corporation, were parties, affiant has heard many discussions of such claim, and has himself discussed the claim with many residents of Silver Bow County, including attorneys, merchants,

bankers, miners, and others, and that outside of the said Maury and several other attorneys interested in personal-injury litigation, affiant has never heard anyone advance the opinion or claim that a fair trial could not be had under such circumstances; on the contrary, affiant has heard scores of representative and reputable residents of Silver Bow County unhesitatingly and emphatically express their opinion that no difficulty whatsoever would be had in securing a fair and impartial jury from residents of Silver Bow County in any case against the said defendant corporation or any other corporation.

That affiant has participated more or less in political campaigns wherein the defendant corporation and other corporations of Silver Bow County were discussed and attempted to be made issues more or less, and that affiant has a wide acquaintance among the residents of Silver Bow County; that it is affiant's belief that there is no condition or sentiment or reason whatsoever why the plaintiff in the above-entitled action could not obtain a fair trial against the defendant corporation before a jury impaneled from the residents of Silver Bow County, Mont., and affiant believes that such a fair and impartial jury could be readily obtained from the residents of either Silver Bow or Deer Lodge County, and that it is affiant's opinion that if this action be tried in Silver Bow County, no difficulty will be had in impaneling in the manner provided by law a fair and impartial jury, whether the same be made up in whole or in part of residents of Silver Bow County or Deer Lodge County.

L. O. EVANS.

Subscribed and sworn to before me this 29th day of May, 1914.

[SEAL.] W. T. BLEICK.

Notary Public for the State of Montana, Residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF C. F. KELLEY.

STATE OF MONTANA,
County of Silver Bow, ss:

C. F. Kelley, being first duly sworn, on his oath says: That he has resided in Silver Bow County, Mont., for a period of over 30 years; that he is an attorney at law and has been practicing such profession in Silver Bow County, Mont., for more than 15 years last past; that since the year 1901 affiant has been employed as an attorney at law by the Anaconda Copper Mining Co., the Parrot Silver & Copper Co., the Colorado Smelting & Mining Co. and its successor the Trenton Mining & Development Co., the Butte, Anaconda & Pacific Railway Co., the Washoe Copper Co., the Boston & Montana Consolidated Copper & Silver Mining Co., and the Butte & Boston Consolidated Mining Co., until the consolidation of the said companies above named, excepting the Butte, Anaconda & Pacific Railway Co. with the Anaconda Copper Mining Co. in the year 1910; that since such consolidation in 1910 affiant has been acting as attorney for said Anaconda Copper Mining Co., and for a period of more than two years last past affiant has been vice president and managing director of the said Anaconda Copper Mining Co. in the State of Montana; that during all of said period affiant has been familiar with the operations conducted by said companies, and particularly with the operations conducted by the said Anaconda Copper Mining Co. since and including the year 1910.

That the said Anaconda Copper Mining Co. since the date of said consolidation has been the employer of a great many men in the county of Silver Bow, approximately 9,000; that the principal industry of Silver Bow County is mining, and in addition to said Anaconda Copper Mining Co. there are a number of other corporations engaged in mining on a comparatively large scale, among such companies so operating being the Butte & Superior Copper Co., operating mines and large concentrating plant; the East Butte Mining Co., operating mines and a smelter; the Tuolumne Mining Co.; the Butte Balaklava Mining Co.; the David-Daly Copper Co.; the North Butte Mining Co.; the Rainbow Lode Development Co.; the Bullwhacker Mining Co.; the Butte & Duluth Mining Co., and corporations owned or controlled by ex-Senator W. A. Clark, operating what are known as the Clark properties, and other smaller operators; in addition there are many men employed in Butte by the four railway companies—the Northern Pacific Railway Co., the Great Northern Railway Co., the Chicago, Milwaukee & St. Paul Railway Co., and the Oregon Short Line Railway Co.—and many men engaged in foundries, factories, and mercantile and other businesses and industries of various kinds.

Affiant further says that a great many men in the employ of the Anaconda Copper Mining Co. are not citizens of the United States, and many employees who are citizens of the United States are not taxpayers; so that a comparatively small portion of the residents of Silver Bow County, Mont., eligible for jury service, is found among the employees of said Anaconda Copper Mining Co.

Affiant further says that in Silver Bow County the mines of said defendant corporation are operated through a number of independent shafts or openings, each of which has a foreman or other executive agent who employs the men for that particular work. That in the conduct of its mining operations and the employment of its men it became desirable to adopt some uniform method of hiring its employees, principally for the following reasons:

First. Numerous charges had been made against some of the foremen in the employ of said company and against the so-called representatives of men of different nationalities in the city of Butte who were charged with being able to procure for a consideration the hiring men by said foremen in the companies' mines, and it was believed by adopting a uniform system of hiring their men, and keeping check on those hired, the possibility of any "grafting," as the practice was commonly called, would be eliminated.

Second. In the employment of so many men under the system previously in force it became impossible to exclude drunken and incompetent employees, and as a matter of safeguarding the welfare of the competent and sober employees of the company it was believed that effective results could be accomplished by keeping a record of the men discharged and the reasons therefor.

Third. Many of the business men of the city of Butte had complained to the management of the company, from time to time, of the fraudulent practices that were being pursued by certain of the company's employees who obtained credit at the different mercantile institutions in the city of Butte and who, for the purpose of avoiding payment of the indebtedness thus incurred, moved from one mine of the company to another, changing their names as they took their respective employments at different mines, and the earnest cooperation of the company was requested by the business men of Butte to adopt some system that would prevent this practice being followed.

That on account of the foregoing reasons and as a matter of company policy it was decided more than a year ago to adopt a uniform policy with reference to the hiring of men which would require the men to apply for and receive an employment card entitling them to seek employment at any of the different mines owned by the company; that following the adoption of this plan the system was installed which is referred to in the affidavit of H. L. Maury as the "card system."

Affiant further says that, so far as he is informed and believes, no man who has applied for a card has been refused the opportunity to seek employment, but that a record has been kept of those who have been employed and discharged, and the reasons therefor.

Affiant further says that it was not the intention of the Anaconda Copper Mining Co., in establishing said system, nor has it been its practice in following it, to establish any blacklist, and that in fact no blacklist of any kind or character has been established, and that the said uniform employment system was not established for the purpose and has not been used for the purpose of interfering with the freedom and liberty of any employee, either politically or in connection with any of his other duties as a citizen or a member of the community.

That it has not been the practice of said Anaconda Copper Mining Co., during affiant's familiarity with its affairs, and to affiant's knowledge or belief there has never been a single instance wherein the company in its operation has discriminated in any way against the, or for any of the, business men in the city of Butte; that the said company has not of affiant's knowledge or belief coerced or attempted to coerce or influence in any way any resident of Silver Bow County who has acted as a juror or witness in any cause in the courts of said county or the Federal or other courts, and that the said company has not of affiant's knowledge or belief at any time attempted to reward or punish or refuse to give or give employment to any person because of his having acted as such juror or witness in any of such courts, and the fact that any person has acted upon a jury which has rendered a verdict against the said company, or as a witness in such action, has not been permitted to influence the company's action in any way, whether in extending him employment or otherwise; that affiant knows of nothing in the conduct of said company's affairs in Silver Bow County which would establish in the minds of

any resident of Silver Bow or Deer Lodge County, Mont., any fear of deciding or hesitation in justly deciding any action brought against this corporation or against any other corporation in favor of any opposing litigant.

Affiant further says that the said Anaconda Copper Mining Co. can not and is not in a position to exert a great, or any, power over the merchants of Butte because of the fact that such merchants extend credit to laborers or servants of the said company on the security of assignment of their time and wages; that all of such servants and laborers have a legal right to make such assignment if they desire, and any corporation to require the same; and no distinction is now made, or has at any time been made, to affiant's knowledge or belief, as between any of the respective merchants in Silver Bow County; that they are, and all have been, treated alike.

Affiant further says that as attorney for the said corporation he has participated in the trial of many cases in Silver Bow County, both in the State and Federal courts. That affiant knows of no sentiment of fear or bias or other sentiment or feeling in favor of the said Anaconda Copper Mining Co., or against any opposing litigant, which would prevent such litigant from obtaining a fair trial as against the said Anaconda Copper Mining Co. before a jury composed of residents of either Silver Bow or Deer Lodge County, and that affiant knows of nothing and does not believe that anything exists in the operation of the said corporation which would give rise to any such sentiment of fear or bias or other sentiment or feeling which would work to the disadvantage of such opposing litigant; that affiant knows of no reason why the above-named plaintiff can not secure a fair and impartial trial before a jury composed of residents of either Silver Bow or Deer Lodge County, and on the contrary, it is the belief of affiant that the plaintiff can and will, if said action is tried, secure a fair and impartial trial before such a jury.

C. F. KELLEY.

Subscribed and sworn to before me this 26th day of May, A. D. 1914.

[SEAL.] W. T. BLEICK,

Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires January 27, 1915.

AFFIDAVIT OF C. F. KELLEY.

STATE OF MONTANA,
County of Silver Bow, ss:

C. J. Kelley, being first duly sworn, on his oath deposes and says: That he is the general manager of the Hennessey Co., engaged in the mercantile business at Butte, Mont.; and that he has occupied said position since the time of the organization of said company in July, 1909; that prior to said time this affiant was and had been since January, 1908, general manager, and since 1899 the secretary and treasurer of the Hennessey Mercantile Co., a corporation to which the above-named Hennessey Co. is successor in and to its mercantile business.

Affiant further says that he has at all times since the year 1899 been familiar with the ownership of the stock of the Hennessey Mercantile Co., and since its organization with the ownership of the stock of the Hennessey Co. Affiant further says that at no time has the Amalgamated Copper Co., or any of its subsidiary companies, or the Anaconda Copper Mining Co., or anyone for any of said corporations, been the owner of any of the stock of the Hennessey Co. or had any interest therein, and that since prior to the 15th day of May, 1904, neither the said Amalgamated Copper Co., nor any of its subsidiary companies, nor the Anaconda Copper Mining Co., or anyone representing them or either of them, owned any of the stock of the Hennessey Mercantile Co. or been interested therein.

Affiant further says that the said Hennessey Mercantile Co. from and since prior to May 15, 1904, until it was succeeded by the Hennessey Co., and the Hennessey Co .have at all times been independent of the said Amalgamated Copper Co. and the said Anaconda Copper Mining Co. and any and all of their subsidiary companies or representatives and that the only relationship of any kind or character which exists between the said corporations is that of landlord and tenant arising out of the fact that the Hennessey Co. leases from the Anaconda Copper Mining Co., for the purpose of carrying on and conducting its business, certain real property belonging to the said Anaconda Copper Mining Co.; that said lease is for a definite period at a stipulated rental of a fixed

character provided for therein, so that the said Hennessey Co. is independent of the said mining companies and all of them.

Affiant further says that he has never attended a meeting of either of the Butte Business Men's Association or the Butte Credit Men's Association, and that neither affiant nor the said Hennessey Co. has ever taken any active part in the affairs of said organization; that affiant has never nor has anyone else to affiant's knowledge on behalf of said Hennessey Co. attempted to influence or direct any action whatsoever in either of said organizations, and that affiant has never taken part in any of the commercial organizations of Butte, except to assist toward certain movements desired by the other merchants and residents of Butte, and in which the said Hennessey Co. and affiant had no particular interest; affiant says that any statement as to this affiant ever exercising or attempting to exercise any influence in the said Butte Business Men's Association or any business organization of Butte on behalf of said Anaconda Copper Mining Co. or said Amalgamated Copper Co. or any other mining company or that affiant ever attempted to exercise influence possessed by him in said organizations or either of them against any person, association of persons, or corporation whatsoever, on account of any supposed unfriendly relations existing between the Amalgamated Copper Co. or the Anaconda Copper Mining Co. or any other mining company on the one part and such person, association, or corporation on the other is wholly and absolutely untrue.

Affiant further says that so far as affiant knows there has never been any action taken by the Butte Credit Men's Association or the Butte Business Men's Association or any other mercantile organization of Butte at the solicitation of or on behalf of the Anaconda Copper Mining Co., the Amalgamated Copper Co., or any other mining corporation, or anyone acting for it or either of them.

Affiant further says that so far as affiant knows or can ascertain neither the Anaconda Copper Mining Co. nor the Amalgamated Copper Co. ever exercised any influence or control whatsoever over the business houses of the city of Butte through any of the business men's associations or otherwise. Affiant further says that he knows of nothing in the conduct of the operations of the Anaconda Copper Mining Co., and affiant thinks he would have known of such condition or occurrence if it had existed or occurred, which would cause any dread or fear of said company among the business men or other residents of Silver Bow County.

Affiant further says that while it has been the practice of the Hennessy Mercantile Co. and the Hennessy Co. to extend credit in many cases to the laboring men of Silver Bow County, such credit is not and has not been based upon the fact that the men were employees of any of the so-called Amalgamated companies, any more than any of the other companies or employers in Butte; that the said Hennessy companies have in many cases taken assignment of the wages due such debtors, following a practice common to all the merchants of Butte, the practice being the same as to all other companies and employers as with the so-called Amalgamated companies, and that all of the men engaged in business in the city of Butte have had, for a number of years, at least, and now have the same facilities as are possessed by the Hennessy Co. for obtaining information necessary in connection with the taking of such assignment and in presenting and having such assignments accepted by the mining companies, including the Anaconda Copper Mining Co.; that it is not true that all classes of laboring men, or all laboring men who accept credit of the Hennessy Co. must assign their wages to the company or purchase their merchandise from said company; that it is not true that if such wage earners are in debt to the said Hennessy Co. their chances for obtaining employment from the Amalgamated interests are greater than if they were not in debt to the said Hennessy Co.; that neither the said Hennessy Co. nor affiant nor any of the other representatives of said company, so far as affiant knows, have anything to do with the obtaining employment from the Amalgamated interests by trading with the said Hennessy Co.; that affiant denies that there is any belief among the wage earners that their chances for obtaining employment from the Amalgamated interests are better or their chance of obtaining credit are better with the said Hennessy Co. if the relation of debtor and creditor exists with the said Hennessy Co.; that the said Hennessy Co. does not enjoy any advantage whatsoever over other merchants with the mining companies, or any of them, and conducts its business and extends its credit in the manner usual to mercantile houses everywhere.

That affiant is the president of the Daly Bank & Trust Co. of Butte and is acquainted with the various other banking houses and concerns engaged in

business in Silver Bow County, Mont., and neither the Anaconda Copper Mining Co. nor the Amalgamated Copper Co. are stockholders or otherwise interested in the affairs of the Daly Bank & Trust Co. and have no connection therewith, excepting that the Anaconda Copper Mining Co. does a considerable portion of its banking business through the said bank; that the said Daly Bank & Trust Co. is but one of the seven organized banking houses doing business in Butte City, Mont., at least one of which, the First National Bank of Butte, with deposits, as shown by its published statements, of approximately $4,650,000 and loans and discounts to the amount of $2,933,000, is much larger in the matter of deposits and volume of business transacted than the said Daly Bank & Trust Co.; and probably one other, the banking house of W. A. Clark & Bro., a private bank, according to the best information and belief to be the fact, has deposits approximately the same, or a slightly larger amount, than the said Daly Bank & Trust Co.; that the affairs of said Daly Bank & Trust Co. are conducted in practically the same manner as that of the other banking house of Butte, Mont., and entirely without regard to the effect of such banking operations and business upon the Anaconda Copper Mining Co. or its employees, and that the conduct of the same could in no way influence the sentiment of the citizens and residents of Butte in regard to the said Anaconda Mining Co.

Affiant further says that he has been a resident of the city of Butte for more than 13 years last past and has a large personal acquaintance in said city and Silver Bow County, and particularly with the men working and employed in and about the mines, and is familiar with the conditions existing in said city and county of Silver Bow; that affiant knows of no, and does not believe that there exists, conditions or sentiment or feeling of fear or bias, or other feeling, sentiment, or condition which would prevent the residents of Silver Bow County from fairly and impartially acting as jurors in any cases where the Anaconda Mining Co. is a party upon any issue in which he may be interested before a court and jury composed of residents of Silver Bow County, in Silver Bow County, Mont.; and that he believes that the above action can be impartially and fairly tried before a court and jury of residents of Silver Bow County, in said Silver Bow County.

C. J. KELLEY.

Subscribed and sworn to before me this 28th day of May, A. D. 1914.

[SEAL.] CARL J. CHRISTIAN,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires March 14, 1916.

In the District Court of the United States in and for the District of Montana.

AFFIDAVIT OF LOWNDES MAURY.

STATE OF MONTANA,
County of Silver Bow, ss:

Lowndes Maury, being first duly sworn, on his oath does say: He is the person mentioned in the affidavit of L. O. Evans, filed on behalf of defendant in this case. On page 2 of the affidavit said Evans mentions that the injuries to one Kinsel were of the slightest, and a verdict was recovered of $1,500. The testimony showed that Kinsel was a young man about 27 years of age, and in the injuries was caused a permanent lesion of the heart from which he would never recover.

That affiant did not actively seek reappointment for the office of city attorney, and while such appointment of affiant's successor was being debated affiant did not vote on the question personally and was absent in the city of Spokane on business. Said Evans states in his affidavit that the said Maury and certain partners associated with him early in his career established the business of soliciting said business on contingent fees. The said statement is false, known by the said L. O. Evans to be without foundation; that affiant has never at any time solicited any business of any man, woman, child, or corporation; that affiant has never conducted any campaign of hatred or abuse against corporations, nor did the affiant become a member of or continue in active membership in the Socialist Party for the purpose of effect of securing business or aid in carrying on the same from the members of the party, either as jurors or otherwise; that at the time that affiant announced his readiness to go to trial before

the present panel in one of the cases against the company defendant there were more than half of the panel consisted of persons not resident of either Silver Bow or Deer Lodge County; that when the court excused persons until there were only seven of the panel nonresidents of Silver Bow and Deer Lodge it was deemed by affiant and his cocounsel, Mr. Charles A. Denny, in a third cause impossible to obtain a fair or an impartial trial of the causes or any of them.

The said Evans says in his affidavit that a satisfactory settlement was prevented in the case of Susie Maronen, mentioned in the affidavit. The settlement offered by the defendant was $2,000. Affiant was one of the attorneys in that case and knows of no other offer having been made, and that action was for death, by reason of the breach by the defendant of a statutory duty of the said Susie Maronen's husband, a young man about twenty seven or eight years old, living with her and supporting her and their child. It was not accepted.

LOWNDES MAURY.

Subscribed and sworn to before me this 1st day of June, 1914.

[SEAL.] J. D. EASON, Jr.,
Notary Public for the State of Montana, residing at Butte, Mont.

My commission expires October 1, 1916.

Service of the foregoing affidavit admitted and copy received this 1st day of June, 1914.

C. A. KELLEY,
L. O. EVANS,
W. D. RODGERS,
D. GAY STEIVERS,
Attorneys for Defendant.

Filed June 1, 1914.

In the District Court of the United States in and for the District of Montana.

No. 151.

JOSEPH MODENA, AS ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

No. 150.

JOHN LATVA, ADMINISTRATOR, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

No. 154.

REFUGIO MARTINEZ, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

No. 149.

FRANK OSTERMANN, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT.

BRIEF ON MOTION TO CHANGE THE PLACE OF TRIAL IN THE SAID CASES.

The situation of these cases before the court is probably unique in the history of American jurisprudence. The question as to whether there shall be a change of venue or not places the Constitution of the United States directly on trial. The founders of the Republic realized as clearly as we now do that there would be individuals and corporations of such great local influence that national courts must be established for the protection of a fair trial and the purity of the fountain of justice in causes arising between aliens and citizens of other States and such influential individuals in the forum of their residence.

The founders of the Nation realized that control over a man's subsistence was control over his will, and in laying the foundation of our National Government they openly averred that this rule of private economics applied not only to ordinary individuals, but even to the judiciary, and in order to remove the judiciary which should preside over trials between aliens and citizens

of other States when litigating persons of strong local influence it made the tenure of these Federal judges terminable only by death or bad behavior, and the Constitution, following out the wisdom of the convention which promulgated it, made their salary undiminishable during their term of office. Their appointments were dependent on the National Executive and the National Senator. Every possible precaution was taken by the fathers to remove this Nation from the disgrace of iniquity of an unfair tribunal.

The question confronting the court is whether that wise and wholesome provision of foresight of our ancestors is to be carried out by their descendants.

All of the foregoing causes are actions at law tryable to juries, over whose verdicts the court has no positive control, except to the extent of granting new trials if the verdict so far depart from the perpendicular as to offend the court's sense of justice. The granting of new trials is not a means of procuring justice, but only of correcting injustice. Repeated new trials are but a makeshift, and offensive to that provision of the Constitution that justice shall not be delayed.

While the foregoing propositions seem elementary, yet, lest we forget and fall out of the straight and narrow way laid by the founders of the Constitution, and because the reasons of those men are better expressed in their own language than by subsequent writers, we shall quote at length from that unique collection of essays known as the "Federalist":

"Because when once an efficient National Government is established the best men in the country will not only consent to serve, but also will generally be appointed to manage it; for although town or country or other contracted influence may place men in State assemblies, or senates, or courts of justice, or executive department, yet more general and extensive reputation for talents and other qualifications will be necessary to recommend men to offices under the National Government. * * * Hence it will result that the administration, the political counsels, and the judicial decisions of the National Government will be more wise, systematical, and judicious than those of individual States, and consequently more satisfactory with respect to other nations, as well as more safe with respect to us." (Federalist, pp. 13 and 14.)

"The standard of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a Republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any Government to secure a steady, upright, and impartial administration of the laws." (Federalist, p. 539.)

"Next to permanency in office nothing can contribute more to the independence of the judges than a fixed provision for their support * * *. In the general course of human nature a power over a man's subsistence amounts to a power over his will. And we can never hope to see realized in practice the complete separation of the judicial from the legislative power in any system which leaves the former dependent for pecuniary resources on the occasional grants of the latter." (Federalist, p. 548.)

The very basis of the motion for a change of venue is found in that maxim, "A power over a man's subsistence amounts to a power over his will." Our application of the maxim is of course to the juries taken from Silver Bow County and Deer Lodge County; not by any means to the presiding judge, for his subsistence has been provided for by the Constitution, and his tenure is for life. Nor in fact would we have applied it to the presiding judge were his particular subsistence unproved for or his tenure determinable. We have too good an evidence of his independence in the Osterholm nisi prius decision and others that we might mention. But the rule while not universal in its effects is universal in its tendency. To deny the existence of the tendency is as to deny the tendency of men to sink in water and drown by reason of the fact that many are seen overcoming the tendency.

This line of thought so clearly evinced in the Federalist brings us to the facts in the instant cases, and these facts are unique. These facts are beyond dispute. The defendant controls the subsistence of two counties, and such control has been continually increasing for fifteen years. It employs approximately twelve thousand men. In those counties there are not one hundred thousand people, counting the men, women, and children; and the men employed by it directly are far more than one-half of the able-bodied men in those two counties. An arbitrary shutdown of its works and mines has in the history of those counties driven all of the interests in those counties to despair,

and to the calling of a special session of the Montana Legislature to answer its demand for laws for its benefit.

We limit this to this defendant because the physical properties of all of the concerns which made that demand are now of the composition of this defendant.

It will be answered that this defendant's power in politics of the two counties is not supreme. It can not be truthfully answered that it is not supreme in the county of Deer Lodge. It might be answered that it is only a little more than half of the power in Silver Bow. But a partly fair trial is not what we are entitled to. A partly fair trial is like a tolerably good egg. This question of a fair trial does not seem that the plaintiff shall have six jurymen leaning his way and the defendant six jurymen leaning its way by any means. A fair trial on an action at law means that the plaintiff shall present his evidence before twelve men who have no leaning either toward the plaintiff nor toward the defendant; and that the defendant shall have the same right.

It will doubtless be answered that in the political complexion of Silver Bow County there is a political party of great strength opposed to the defendant. That is true, but that merely accentuates the unfairness of a trial in Silver Bow and with men from Silver Bow. Were one of the jury commissioners of this court of that party we would doubtless easily succeed in getting a panel where half the men would have a leaning against the defendant and half a leaning for the defendant. Jurymen are not drawn by lot in Federal court, and neither of the jury commissioners are members of the political party exhibiting in the last two or three years such increasing strength.

This question of what constitutes local influence has not come up frequently in causes where a change of venue was sought in the Federal court, though we are not without precedent. In the causes of Terry *v.* Skinner, Tuttle *v.* Terry, Terry *v.* Nalor et al. (110 Fed., 494), we quote the following:

"The parties favoring removal put it upon the ground of convenience and economy. Terry resists because of local prejudice against him and in favor of Thomas G. Skinner, an ex-congressman, State senator, and prominent man in that section * * *;

"In this case or the two cases many affidavits are filed and good reasons given for the position of each party; the one arguing that Elizabeth City is more convenient to parties, witnesses, and records, the other, local prejudice, as before stated, arguing, if not successful, he will pay the cost of witnesses, etc. In exercising a sound discretion, these arguments should be given proper weight, but it is not necessary to answer or consider every reason in detail. Parties litigant should not only have a fair trial, but, as far as may be, even the unsuccessful party should feel that his case has been decided by an impartial court and jury. Mr. Terry evidently believed there is strong prejudice against him in the section of the district surrounding Elizabeth City, and that Mr. Skinner has great influence with jurors summoned to that court. He files strong affidavits to this effect. These affidavits are met with equally strong affidavits denying the prejudice against Terry, records showing he has been reasonably successful in former litigation in that section, but not denying the influence of Mr. Skinner. Allusions are made in the rebutting affidavits to Mr. Skinner's health, but it is hoped this is only a temporary complaint. He spent much time in Raleigh last winter, and it is hoped will again add to the pleasure of friends in that city. The question of economy should have but little weight. Elizabeth City is more than 100 miles from Raleigh, and the rules for taking depositions are ample. True, it is more satisfactory to counsel to have witnesses face the jury, but this is not essential in arriving at the facts in a case, and the court can set aside a verdict not in accordance with the law and evidence. But why go through this when at a little inconvenience and additional expense a trial can be had on equal grounds, where there can be no just cause for even a suspicion. Terry lives in Ohio, Skinner near Elizabeth City. In Raleigh they must meet on neutral ground. One case remains in the court at Raleigh, and in the exercise of a sound discretion it seems it would better serve the ends of justice that all, which are to some extent interwoven, should be tried in the same division of the court, at the same place."

As to what constitutes local influence, we find more and better expressions in decisions on those cases where causes have been retained by the Federal courts after being removed to them from the State court under the act of Congress providing for such removal where local influence or prejudice exists against a defendant.

Our contentions are based on the following proposition:

Local prejudice and influence does not necessarily consist or partake of hostility toward a plaintiff. It may as well and more frequently does consist of a feeling of respect, fear, or friendship arising from great wealth and political influence and industrial strength of the defendant in the locality of his home and of his mighty works. In this we are borne out by the decision in the case of Neale *v.* Foster (31 Fed., 54).

We quote from that opinion:

"The affidavits of the defendants amount to nothing. Of course, there is no prejudice in the county against the plaintiff personally, for he is unknown to the community. But there may be a prejudice in favor of his adversary that would be as much in his way of obtaining as a prejudice against himself. The prejudice and local influence mentioned in the statute is not merely a prejudice or influence primarily existing against the party seeking a removal. It includes as well that prejudice in favor of his adversary which may arise from the fact that he is long resident and favorably known in the community. Then there is the element of local influence, which implies that in a controversy between a stranger and resident parties having the power, through wealth, business or social relations, or personal popularity, or all combined, to direct or materially aid in the direction of political parties and control the selection of public officers and the distribution of party emoluments, the former may be a great disadvantage if not powerless to assert his right.

"And this implication is no unusual reflection on any particular community or persons. On the contrary, it is such a well understood and recognized frailty of human nature that jurisdiction of controversies between citizens of different States was expressly given by the Constitution to the National Government and this, not only as a means of doing justice, but of facilitating only the trade and intercourse between the people of the several States, which was what the Constitution was formed for more than any other purpose, to protect and promote. Neither is it unreasonable that in a case like this, where a stranger from another State is seeking to set aside conveyances made in favor of local creditors of long standing and high character in the community by a failing debtor of like standing and character that there should be prejudice and local influence, not against the plaintiff personally, but against his cause, and in favor of his adversaries. How far this influence and local prejudice might extend and whether it would consciously influence the mind and action of the court would depend largely on the temper and character of the judge.

"Counsel for the defendants maintain that, admitting there is a prejudice and local influence in Linn County in favor of the defendants in this case, the case being an equity one, to be decided by the court without a jury, there is no reason to think or believe that the circuit judge would be affected or influenced by it in the least degree. On the other hand, counsel for the plaintiff contends that on the proofs, and in the nature of things, there is a strong prejudice and influence in Linn County in favor of the defendants in this controversy; and that the circuit judge who holds his office by the good will of this community, and is a particular friend of the principal defendant, may be and probably will be more or less unconsciously affected in his mental vision and conclusion by these circumstances."

Another proposition on which we rely is that it is impossible absolutely to determine in advance that a party can not have an impartial trial. The question for the court to consider is that a party might not have a fair trial or an impartial trial. And this idea is well expressed in the following language:

"It was not the purpose of the Constitution and law passed to effect its intent, to put the removing party to proof that he could not obtain justice in his particular case or that he would not, but only that he might not obtain justice."

Montgomery County *v.* Cochran (116 Fed Rep., 992). For the convenience of the court and because of the enormous importance to these four litigants we quote at great length from the opinion in this case:

"The order of removal having been made ex parte at the last term upon the statement of the facts contained in the verified petition, it was insisted by the defendants that the plaintiff is without right to traverse the facts set forth in the petition, or now, to call in question the order of removal. Whelen *v.* Railroad Co. (C. C.), 35 Fed., 849, and other cases following it, are cited in support of this view. The plaintiff relies on Ellison *v.* Railroad Co. (50 C. C. A., 530; 112 Fed., 805), which holds to the contrary. Congress having power to authorize removals of controversies between citizens of different States on

that ground alone, the mode of ascertaining prejudice, making it to appear, under the present statute could not be jurisdictional unless the statute prescribed an exclusive mode. Congress has prescribed no mode. The existence vel non of prejudice or local influence, as distinguished from the mode of making it to appear, is a jurisdictional fact under the present statute. It does not predicate jurisdiction here on diverse citizenship alone but couples it, the further condition of the existence or prejudice or local influence to be ascertained by the court. If the ascertainment of a jurisdictional prejudice or local influence is the ascertainment of a jurisdictional fact, a party to the suit certainly has the right to be heard as to it at some stage of trial, as much so as upon any other issue of fact which affects his case. It is the duty of the court at any stage of the proceedings to dismiss or remand the suit if it finds that it is without jurisdiction.

"Irrespective of what is merely modal and what is jurisdictional, it is quite clear that Congress by its last legislation on this subject intended to charge the conscience of the removing court with the ascertainment of the existence of prejudice or local influence, and to constrain the court to refuse jurisdiction unless the existence of such prejudice or local influence was made to appear, to its satisfaction. The whole subject of Congress in making the change in the former law would be defeated if any other view is taken of the question. Save in the instance where local influence or prejudice is claimed to grow out of notorious matters of local history and the like, of which the court may take judicial notice, how can the judicial mind be satisfied of the existence of prejudice vel non when it has acted ex parte and then refuses to hear the other side, who offers to prove that the court has been misled or deceived and that the allegations of fact, from which the existence of prejudice was ascertained, are utterly false? Unless the court hears the parties on such an issue it can not know whether the denial which involves a denial of jurisdiction is true or false. If it does not know whether the denial is true or false, it can not know whether it has jurisdiction. This is not the condition of being legally satisfied, which the supreme court declares the law exacts before it permits the court to take jurisdiction.

"It is not meant to declare that the court can not in any case order a removal ex parte. The act gives it a very broad field of discretion. The facts relied on in some cases, as in this instance, may be so notorious, recent, and so related to local history that a judge might well take judicial notice of them, or at least utilize such knowledge in determining whether from the petition prejudice or local influence was sufficiently made to appear. In a case of that character the court might well believe it is unnecessary to take up time hearing an issue which the opposite party might raise. It was upon such considerations that the court acts in making the ex parte order here. It was not contemplated, however, that such action could bar the right of the opposite party to traverse the petition for removal, or to be heard thereon, or lessen in any degree the duty of the court to inquire into such matters at his instance. The contrary view involves the denial of a clear right to the plaintiff. The court therefore heard the plaintiff who had not been heard before on the merits of the order of removal, and having reopened the matter, allowed both sides to offer evidence, the substance of which is not of importance in this phase of the case.

"2. The word, justice, is used but twice in the constitution of the United States. It is first found in the preamble giving the reasons for the formation of the Constitution, one of which is declared to be 'to establish justice.' It is next found in one of the provisions of the Constitution intended to effect its purpose—'to establish justice'—by requiring persons who 'flee from justice' to be delivered up, etc. Necessarily, 'to establish justice' the Constitution must provide for the exercise of legislative power to that end, and jurisdiction in certain tribuals to construe and enforce the laws thus passed. Accordingly the Constitution provides that legislative power shall be vested in Congress and judicial power shall be vested in the Supreme Court and other tribunals to be established by Congress, and that the judicial power thus vested 'shall extend' to certain matters which the Constitution specifies with great particularity. Save as to certain jurisdiction of the Supreme Court, legislation is necessary, of course, to distribute to any court any part of the judicial power. Among the matters thus committed to the judicial power of the United States are controversies between citizens of different States. In ascertaining the purpose of the framers of the Constitution in extending the judicial power 'to controversies between different cititzens of different States'

we must look to the history of the Constitution, the causes which led to its adoption, and the evils disclosed by the working of the Government under the articles of confederation which was intended to be remedied by the new instrument. The Federalist declared that one evil which 'crowns the defects of the confederation' is the 'want of judiciary power.' This want of a judiciary power developed numberless ills, not the least of which was the inability of the Government to protect the equality of the rights of 'citizens of different States' when a citizen of one State litigated in the courts of a State with a citizen thereof.

"It is a matter of common knowledge, at least among all well-informed persons, that at the time of the formation of the Constitution there was a prevalent opinion that 'the stranger in a strange land' might not have, and often did not have, that measure of justice in the courts of a State which was accorded to its own citizens. There was no common tribunal deriving authority and power from the whole people, responsible to them only, which could protect or enforce or supervise the enforcement of equality in this respect. There were local jealousies, local interests, and local opinion in the different States which worked adversely to the nonresident citizen in favor of the resident citizen who prosecuted in the courts of his own State a complaint against the nonresident citizen. These things caused some bitterness, tended to diminish free intercourse and trade 'between citizens of different States and stood in the way of a more perfect union.' The framers of the Constitution, in providing for jurisdiction in the Federal courts of 'controversies between citizens of different States,' had in mind to cure the imperfection in these respects of the articles of confederation. The purpose was 'to establish justice' as to such controversies by authority to be conferred over them on courts deriving their power from the Constitution, freed from dependency in any respect on local power and removed as far as possible from the effects of local environment which might militate against a nonresident in favor of the citizen of the State where the court sat. The purpose was to give the nonresident citizen the right to resort to these courts when he sued the citizen of another State or to remove his case out of the State when sued therein by a citizen thereof, in order to avoid local jealousies, interest, or passion which might sway or tempt the decision by the State court in favor of its own citizen. The purpose was to sweep aside the risk of injustice in the local tribunal growing out of the status of a nonresident contending with the home man. The 'justice' which the Constitution, and laws passed in pursuance thereof, intended to 'establish' in such controversies was to be worked out by giving the nonresident citizen the right, when properly demanded, to remove the trial of his cause from a local court whenever local interest, prejudice, opinion, or passion might be thought to expose him to the risk of a trial in which he might be put on an unequal footing with or measured in a different way from his adversary in the State court, and thus exposed to a hazard of determination against him on consideration other than the real merits of the case. As stated in the very able opinion in City of Detroit *v.* Detroit City R. Co. (C. C., 54 Fed., 18), 'The justice which the defendant has a right to obtain is a hearing and decision by a court wholly free from and not exposed to the effect of prejudice and local influence.' It was not the purpose of the Constitution, and laws passed to effect its intent, to put the removing party to proof that he could not obtain justice in his particular case, or that he would not, but only that he might not obtain justice. More than this, in the nature of things, he could not prove in advance, for the contention that he could not or would not obtain 'justice' in the particular case could be shown only by test of trial in the State court, and then it would be too late to remove. When, therefore, we seek the purpose of the words 'He will not be able to obtain justice in such State court,' we must give those words the purpose which, as we have seen, the Constitution had in view when it used the word 'justice' and gave the Federal courts jurisdiction of that particular class of controversies in order to establish that justice. The purpose intended to be effected by the grant of jurisdiction to the Federal courts 'over controversies between citizens of different States' is stated in broader terms as to other matters in section 2 of Article IV, which declares, 'The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.'

"Having seen the reasons for the constitutional policy, it is quite plain that the fact that the local judge tries the cases without a jury can not withdraw such a controversy from the influence of the rule. The terms and spirit of the Constitution include cases where the judge alone tried the facts as well as those in which the jury tries the facts. The jurisdiction extends to all cases in law and equity. Both are brought under the same rule for the same purpose

by the most explicit command of the Constitution itself. Apart from this, the operation of prejudice or local influence upon the judge may be so far harmful to the nonresident litigant that when such influences move the jury a judge can correct the wrongs done by a jury. Their verdict amounts to nothing if it does not have the stamp of his approval. On the other hand, if the judge is improperly moved by 'local influence,' it is, in many cases, impossible to correct the wrong; and in no case is that difficulty more insurmountable than where he not only determines the law, but is sole trier of the facts. If there is any evidence which can support his findings in such a case, however may it be opposed to the weight of testimony, his verdict, although it may be induced by 'local influence,' must stand, for there is no way to review it, which is not the case when the finding only involves the application of the law."

In view of the hue and cry that there is one law for the rich and one law for the poor in this Nation to-day, it might be well to cite the court to the records of the circuit court, the predecessor of this one, where, against a puny adversary, on no such showing as that of 20 disinterested members of the bar, the same counsel as resist this motion, then acting for a corporation now merged into this defendant, obtained an order changing the place of trial from Butte to Helena, and that was in a cause where the additional expense of a trial in Helena was doubtless 10 times as much as the additional expense of trying all the causes of the nature of these four causes arising against the defendant in 10 years—certainly 10 times as much as has arisen in this court in causes of this nature during the life of the defendant or the life of this court.

No contention is made that the defendant will not get a fair trial in Helena. Neither side avers that as a fact. The causes of Federal jurisdiction are remarkably few compared with the great volume of jurisdiction. We are asking for the same kind of relief that has been granted by the predecessor of this court to the predecessor of this defendant, applying through these same counsel. We ask no advantage over our adversary. We ask to go to equal ground, where Ostermann, Martinez, Latva, and Modena are still strangers in a strange land.

The reason for resistance is not the matter of expense in the trial, because that could be provided for easily in the way of requiring a bond for costs if the court makes a conditional order. The reason for resistance is because a fair trial before an uncontrolled, unprejudiced, unbiased jury is the last thing that the defendant wants. It is suffering from the same terror that overcame a defendant in a criminal prosecution when he was told by his attorney that he would get justice before a particular judge. We ask the privilege of fighting on equal ground, and that the defendant be made to come from behind its breastworks of influence erected by it through a period of increasing industrial and political strength now lasting 20 years. Fair play and no favors is what we are seeking.

Respectfully,

B. K. Wheeler, C. A. Wallace, I. G. Denny,
Maury, Templeman & Davies,
Attorneys for Plaintiff, Respective.

Service of the foregoing brief admitted, and copy received this 29th day of May, 1914.

D. Gay Stivers,
Of Attorneys for Defendants.

In the District Court of the United States in and for the District of Montana.

No. 151. At law.

Joseph Modena, as Administrator of the Estate of Corrado Modena, Plaintiff, *v.* Anaconda Copper Mining Company, a Corporation, Defendant, and Other Pending Cases.

MEMORANDUM OF POINTS AND AUTHORITIES ON BEHALF OF DEFENDANT UPON MOTION FOR CHANGE OF VENUE.

STATEMENT.

The affidavits filed in support of these motions are of three substantial classes:

1. The affidavit of H. Lowndes Maury, when stripped of the personal allusions to himself and the history of his activities, begun over seven years ago, to

create an impression in Silver Bow County that litigants could not have fair trials against the Anaconda Copper Mining Company or its subsidiary corporations, is in substance as follows:

(*a*) That the Anaconda Copper Mining Company is a very large corporation, employing ten times more men than any other single employer of labor in the counties of Silver Bow and Deer Lodge, owning an interest in the capital stock of the Butte, Anaconda & Pacific Railway Company, and smelting under contract certain ores from other mining companies in Silver Bow County.

(*b*) That certain attorneys for the Anaconda Copper Mining Company also appear as counsel for certain other interests in Silver Bow and Deer Lodge Counties, to wit, Butte, Anaconda & Pacific Railway Company, Hennessy Company, Daly Bank & Trust Company, North Butte Company, Butte Water Company, and Montana Power Company.

(*c*) That certain of the servants of the Anaconda Copper Mining Company have taken a great interest in politics in Silver Bow County, Montana.

(*d*) That the Anaconda Copper Mining Company can exert a great power over the merchants of Butte, because said merchants do business on the credit of assignments made by employees of said company.

(*e*) That the corporation has been so active in the life of the county that it has established in the minds of the people of Silver Bow County and Deed Lodge County a fear of deciding any cause against this corporation or against any other corporation in favor of an individual.

This latter statement, of course, can not be given any force, for it is impossible for the affiant to know the condition of the minds of the people of Silver Bow County except as that condition may be disclosed by visible or tangible facts. The affiant states that no facts from which he derives the conclusion that this undisclosed fear exists in the minds of the people of Silver Bow and Deer Lodge Counties. The extravagance of affiant's statement is also disclosed by the fact that he includes all other corporations, whether allied with the Anaconda Company or otherwise.

That for seven years there has been no cases decided in the district court of the United States in any case for personal injuries or tortuous death in favor of the plaintiff and against the defendant.

(*g*) That it is impossible (of course this can be stated only as an opinion) for an ordinary litigant to have a fair and impartial trial before a panel of jurors consisting in whole or in part of residents of Silver Bow County or Deer Lodge County.

The said Maury also files an affidavit in rebuttal of certain statements contained in the affidavit for the defendant and oral testimony of Mr. O. L. Evans. The denials contained in this affidavit are, of course, of the most evasive character. Nowhere therein does he deny the conversation testified to by Mr. Evans, wherein the said Maury states that he was a double character, one the Socialist Maury and the other the corporation Maury; neither does the said Maury in the said affidavit any place deny or attempt to explain the solicitation of personal injury business on the basis of contingent fees by various firms with which he has been connected.

The affidavit does, however, contain a most important admission, which reads as follows:

"That at the time that affiant announced his readiness to go to trial before the present panel in one of the cases against the company defendant there was more than one-half of the panel neither residents of Silver Bow or Deer Lodge County; that when the court excused persons until there was only seven of the panel nonresidents of Silver Bow and Deer Lodge Counties, it was deemed by affiant and his cocounsel, Mr. Charles A. Wallace in one case, Mr. B. K. Wheeler in another case, and Mr. I. G. Denny in a third case, impossible to obtain a fair and impartial trial in the causes, or any of them."

2. The affidavit of Burton K. Wheeler, which affidavit states the belief of the said Wheeler that the plaintiffs in these causes can not have a fair and impartial trial, and proceeds to outline his reasons for such belief. They are, in substance, as follows:

(*a*) That the defendant produces a large percentage of the copper, gold, and silver produced in Silver Bow County, and is, in brief, a large concern. An important fact, however, disclosed by his affidavit is that there are forty thousand men in Silver Bow County, and that about one-third of such number are in the employ of the Anaconda Copper Mining Company. The statement, however, that about one-third of forty thousand men are employed by the Anaconda

Copper Mining Company must, of course, yield to the positive sworn statement set forth in affidavits in these causes by people who know that the number of men employed in Silver Bow County by the Anaconda Company in 1910, thus leaving 30,000 men, according to the affidavit of Mr. Wheeler, in Silver Bow County not connected in any way with the defendant in this cause.

(*b*) That directors and managing agents of the defendant have large interests in financial and mercantile institutions in the city of Butte, Silver Bow County; that certain large interests here—the Hennessy Mercantile Company, the Montana Power Company, and the Butte, Anaconda & Pacific Railroad Company, the North Butte Mining Company, and the Butte Water Company—are represented by the same attorneys as the defendant. Reference is also made to what is termed as the "blue card" system employed by the defendant in the employment of men.

3. Certain affidavits of certain professional gentlement in the city of Butte engaged in the practice of law, and the affidavits of the plaintiffs in these respective actions. In substance these affidavits are all the same, and disclose that the mining and smelting of ores, is the principal industry in Silver Bow and Deer Lodge Counties. That the Anaconda Copper Mining Co. employs 10 times as many men as any other single employer of men; that each of the affiants has heard people talk on the subject as to whether an ordinary litigant could get justice in the courts of Silver Bow and Deer Lodge Counties. Each of them concludes as follows:

"That affiant verily believes that it is impossible for the plaintiff in the above entitled action to have a fair and impartial trial in this case before a jury consisting in whole or in part of residents of Silver Bow and Deer Lodge Counties."

It will be observed that none of these affidavits disclose that any litigant has heretofore ever failed to have a fair and impartial trial in either of these counties; it is not disclosed that the large number of employees of the defendant are interested or have ever taken any interest, or have ever exerted any influence of any kind or character to forward the interests of the defendant in litigation, or to prevent any of its antagonists from obtaining a fair and impartial trial; it is not disclosed that any official or any counsel of the defendant, or any person whomsoever or that the defendant itself, has ever sought to influence the course of litigation in said counties, or sought either directly or indirectly to control the action or judgment of any juror, or any man about to become a juror, or any witness in any trial, in which the said defendant was interested; it is not disclosed that said company or any of its agents, has ever attempted to coerce, punish, or to reward any juror or witness for any action upon their part, it is not disclosed that any extraordinary circumstances exist touching these respective cases, or that the situation of these litigants is different or other, in so far as the question of fair trial is concerned, than the situation of all other litigants, for years past has been and is now; neither is it disclosed what, if any, kind of influence the defendant company could if it would bring to bear upon the 30,000 men in Silver Bow County, not employed by said company, and the large number of men in Deer Lodge County not employed by the company, to influence or control their actions to the prejudice or injury of any litigant in this court.

The affidavits and the testimony of the witnesses on behalf of the defendant are too numerous to quote from at length in this statement; they not only meet every suggestion of unfairness, or every suggestion of any reason why any unfair trial should be had in these counties, but they go far beyond the requirement of the case, and disclose absolutely, by a large number of reliable witnesses and a large amount of uncontradicted testimony, that the situation is such in either of these counties that a litigant adverse to the defendant could have a fair and impartial trial. They show the number of men employed by the defendant in Silver Bow County to be 9,100; they show that large numbers of these men are not qualified jurymen; they show that the various companies mentioned by the affiants in their affidavits, such as the Hennessy Mercantile Co., the Butte Water Co., and the Daly Bank & Trust Co., the North Butte Mining Co., the Montana Power Co. and others, are not associated or connected with the defendant in any way whatever, and that the defendant has no interest whatever in them, or in their success; they show that the same general counsel are not employed by the defendant and these several companies, but that some one or other of the several counsel of the Anaconda Copper Mining Co. are employed either or at intervals in attending to the legal business of these companies.

They take up the history of the trial of all cases which have been tried between the defendants and what were at one time its subsidiary companies, and other parties, and show that the defendant herein, or such subsidiary companies, neither won nor lost an unusual number of such cases either in the courts of Silver Bow County or in the district court of the United States.

They show that during the period of seven years last past eighteen cases were tried against the defendant and the companies which were in 1910 consolidated with the defendant; that three of these cases were tried by the court without a jury, two being decided in favor of the corporations and one against them, and in two cases tried before juries nonsuits were granted by the court, and in the cases in which verdicts were rendered, including the Harrington cases, against the Butte, Anaconda & Pacific Railway Company, six were against and seven in favor of the corporations.

The affidavits of Messrs, Evans, Stivers, Rodgers, Kelley, Gillie, and others, either of counsel for the defendant or in the general management of its affairs in Silver Bow County and Deer Lodge County and who would be in a position to know if such were true, show conclusively that neither the said defendants nor any of its agents, servants, counsel, or employees have ever attempted to prevent any litigant from obtaining a fair and impartial trial, or have ever sought to influence the action or conduct of any juror in any case or of witnesses in any case, and that the conduct of said company has never been such that any juror or citizen of either Silver Bow or Deer Lodge County would be influenced by said company in the discharge of his duties or would have any just ground to fear that any evil consequences would be extended to him on account of any action of his when sitting upon a jury in a case in which said defendant was interested.

They show the personal interest, bias, and prejudice of the chief movent in these proceedings, Mr. H. Lowndes Maury, and the interest, bias, and prejudice of most of the affiants whose affidavits have been filed by the plaintiffs in these cases; they show that of the cases brought against corporations in the United States district court in the seven years last past, referred to in Mr. Maury's affidavit, only seven cases were tried; that five of these cases were tried at the October term, 1912, of the district court; that H. Lowndes Maury was attorney in four of these cases; that on the trial of the first of these cases Mr. Maury wantonly insulted the jury panel; that two of the verdicts rendered in these cases were set aside by the court on account of the court having misdirected the jury in regard to the law; that another one of these cases was nonsuited; that they show that very large numbers of qualified jurors in both Silver Bow and Deer Lodge Counties have no connection whatever, either directly or indirectly, with the Anaconda Copper Mining Company. The so-called "blue card" system is fully and satisfactorily explained and shown to have no association or connection, either directly or indirectly, with litigated matters in court. They show that great inconvenience and expense will be caused the defendant by the removal of these causes to Helena for trial, and the affidavits of scores of as reputable men as live in the counties of Deer Lodge and Silver Bow, engaged in all lines of business and professions, including many lawyers of wide experience, show beyond controversy that there is no reason to conclude or even to suspect that an ordinary litigant opposed to the defendant will not and can not obtain a fair and impartial trial in this court before a jury composed either in whole or in part of residents of these two counties.

We invite the court to a careful reading and analysis of these affidavits, being compelled to content ourselves with the foregoing brief summary of some of the important points covered by same.

ARGUMENT.

This motion is of more than ordinary significance. Ordinarily a motion for change of venue arises out of conditions which are transient and which appertain to the particular case involved, and may be expected to pass away. Therefore, while the right to trial at a particular place is an absolute right unless such right is forfeited by some exceptional circumstances, still the injury of removal to the party claiming such right may not be very great. Upon these motions, however, the question whether the Anaconda Copper Mining Company shall be entitled to a trial of its causes in the forum where by law it is entitled to try the same is involved. The conditions which bring about this application are permanent; they have existed for many years; they will, so

long as the Anaconda Copper Mining Company is a going concern, continue to exist. There is no unusual or exceptional circumstance connected with any of these cases. There is no popular excitement, and the public mind is not in the least aroused. The cases are ordinary in their issues and ordinary in their results. If these cases are to be removed to Helena for trial the court must necessarily, and to be consistent, remove all other cases of every nature in which the defendant is interested. Not only must this court do so, but if this court remove these cases, and is right in such removal, it necessarily follows that it is incumbent on all the judges of the district courts either in the county of Deer Lodge or the county of Silver Bow to remove all cases wherein said company is a party to some other county in the State for trial.

It is the general policy of the laws of the United States to trust to the judges of the courts of the United States to see that every party has a fair and impartial trial and that not by giving them power to remove causes from one district to another, but by the general power which they have over juries and their verdicts. Such a thing as a removal of a cause from one district to another on account of bias or prejudice existing in one district against a party in the minds of the jurors or persons qualified to act as jurors is unknown to the laws of the United States; neither is it an ordinary practice in the court of the United States on such grounds to remove causes from one place to another, and wherever such power is exercised it is in pursuance of some rule of the court or some special statute. Therefore, the direct questions here presented are practically without precedent, so far as the decisions of the courts of the United States are concerned.

The power here invoked by the plaintiffs, if it exists, arises under section 92 of the Judicial Code of the United States and rule 9–2 and rule 9–3 of this court adopted on the 6th day of September, 1912. Section 92 of the Judicial Code reads as follows:

"The State of Montana shall constitute one judicial district to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; at Great Falls, on the first Mondays in May and October; and at Missoula, on the first Mondays in January and June; and at Billings, on the first Mondays in March and August. Causes, civil and criminal, may be transferred by the court or judge thereof from Helena to Butte or from Butte to Helena or from Helena or Butte to Great Falls or from Great Falls to Helena or Butte, in said district, when the convenience of the parties or the ends of justice will be promoted by the transfer, and any interlocutory order may be made by the court or judge thereof in either place."

Rule 9–2 divides the district of Montana into divisions known as the Butte, Great Falls, Helena, and Billings divisions, and to the Butte division the territory in the counties of Silver Bow, Madison, Beaverhead, and Deer Lodge is allotted.

Rule 9–3 provides as follows:

"All causes shall be assigned to that division of the district wherein they properly belong by conformity, as near as may be, to the laws of the State of Montana governing the places of trial in a court thereof; and the trial of all issues shall be at the place where court is held within the division to which the cause is assigned, unless by agreement of the parties, with the consent of the court, or by order of the court, in its discretion, or for good cause shown, such trial is ordered elsewhere. The plaintiff shall endorse on the complaint or bill the division wherein the cause is assignable."

In view of the fact that no such thing is known as the transfer of a cause from one district of the United States to another district on account of inability of a party to obtain a fair trial before a jury and prejudice and bias on behalf of the residents of such district, it might very well be doubted whether the indefinite terms used in section 92 of the Judicial Code were intended to cover the transfer of trials for that reasons; that it might also be very well doubted whether the language "for good cause shown," used in rule 9-3, was intended for the same purpose. The ends of justice might require the removal of the cause for other reasons altogether that the one suggested, and "good cause shown" might be intended to cover not only convenience of parties, but also the question of the expense attendant upon trials. Our doubt upon this subject is further increased when we consider the almost unlimited power which the judges of the United States courts have in the selection of jury panels and the absolute unlimited power which they have for any reasons whatever which appeals to their conscience and judgment to set aside the verdicts of juries.

In the code of the State of Montana, section 6506, the language of the United States statute appears in subdivision 3 of said section and clearly does not include a change of the place of trial for the reason set up in these motions. The language of this subdivision is, "when the convenience of witnesses and the ends of justice would be promoted by the change," but the question of an impartial trial is treated in subdivision 2 of the same section, which reads as follows:

"When there is reason to believe that an impartial trial can not be had therein."

It therefore clearly appears that the language "ends of justice" is a different and other reason for the change of place of trial under the laws of the State of Montana than the fact that an impartial trial can not be had in any particular county.

We will, however, in the further argument treat this case upon the theory that the language "ends of justice" used in the statute and the language "for the good of the cause shown" used in the rule includes the change of the place of trial from one division of the district to another on account of the bias and prejudice of the people of such division generally against one of the parties.

By rule 9–3 causes are to be assigned to that division of the district wherein they properly belong, by conformity as near as may be, to the laws of the State of Montana governing the place of trial in a court thereof. The trial of all issues shall be at such place, unless for good cause shown, the place of trial is changed by the court.

By this rule, then, a positive right is given to the defendant in any action to have his cause tried in that division of the district wherein the venue would be, provided the case had been brought in the State courts, and it was clearly the intent of the court in so far as said rule did not conflict with the section of the Judicial Code above quoted to conform with the change of place of trial as nearly as may be to the laws of the State of Montana; otherwise issues would not be tried in the division of the district wherein they would be tried, provided the suit was brought in the State court. Assuming that the words "ends of justice" in the United States statute include a change of venue for bias and prejudice of the citizens of the division of the district in which the case is pending, then this would be a good cause shown under rule 903, but the showing would be in conformity with the rules of law and the decisions of the courts of the State of Montana.

Under the decisions in the State of Montana, as well as in many other States, the mere belief of the affiants, sworn to on behalf of the plaintiffs, that the said plaintiff can not have a fair and impartial trial is valueless to the court. The facts out of which such a condition arises must be shown to the court, and the court must draw its own conclusion. In every affidavit filed by the plaintiffs, while it is stated that the affiant has heard the question discussed in Silver Bow County, there is absolutely no statement whatever as to the trend of such discussion but the bald, naked fact that the affiant so believes constitutes the entire substance of this portion of the several affidavits. That all this is valueless and must be disregarded is shown by the following cases and others in our own State which might be cited, as well as cases from other jurisdictions: Kenyon *v.* Gilmer, 5 Montant 259; State *v.* Spotted Hawk, 22 Montana, 52; Willard *v.* Norcross, 75 Atlantic, 269.

In State *v.* Kenyon the supreme court of this State said: "Venue may be changed for only good cause shown. The matter does not rest in the mere discretion of the court; the court has no authority to exercise any other than a judicial discretion. The affidavit must show the cause by a statement of facts. The court must arrive at a conclusion from the facts stated and not from a conclusion of the witnesses. An affidavit against a whole community that states the mere conclusion of the witness is of no consequence whatever; it ought to state the facts so that the court, and not the witness, may determine whether the community is prejudiced. The court is to make a finding from the facts. It is to determine in a judicial manner whether an impartial trial may be had. An affidavit which states that the affiant is acquainted with and knows the general sentiments and opinions of the public in reference to said action and the parties thereto, and from his knowledge of such public opinion affiant has reason to believe and does believe that defendant can not have a fair and impartial trial of said cause in the county named, is a mere conclusion of the witness and does not state any facts upon which the court can ascertain the sentiment of the community. In support of this proposition the court cites with approval the following cases: People *v.* Yoakum, 53 Cal., 567;

People *v.* Congelton, 44 Cal., 95; People *v.* Shuler, 28 Cal., 495; People *v.* Mahoney, 18 Cal., 185; People *v.* McCauley, 1 Cal., 383; Cloan *v.* Smith, 3 Cal., 413.

"In People *v.* Spotted Hawk, supra, it was said: 'It is also the rule that the application must set forth the facts upon which it is based, and not the mere opinion of the affiant or witnesses who are sworn in support of them.'"

Stripped, then, of these useless statements of belief found in plaintiffs' affidavits the only probative fact stated in these affidavits which is not utterly overcome and overthrown by the affidavits of the defendant upon which the court could make a finding in favor of the plaintiff that the same has been established is that the defendant is a large corporation engaged in a large productive industry, operating in the counties of Silver Bow and Deer Lodge, employing about 9,000 men out of about 40,000 men residents in Silver Bow County, and a considerable portion of the men residents in the county of Deer Lodge; and we most respectfully submit that this does not operate as a reason why the defendant should be deprived of its legal right to have its causes tried in this division of the district. If this were true, then there is probably not a county in the State of Montana wherein there are not residents, individuals or corporations, who on account of their wealth, progressiveness, and industrial standing would be deprived of the same right, and would be compelled to undergo the inconvenience, expense, delay, and annoyance of following their lawsuits throughout the length and breadth of Montana; and also deprived of the right, which is as ancient as the common law itself, to have their causes submitted to juries drawn from the political or judicial subdivisions in which they reside.

Of course, none of the men employed by the Anaconda Copper Mining Co. can sit upon juries in its causes; therefore they must be eliminated. Not being present their influence can not be felt. As heretofore pointed out, it does not appear that these men take any interest whatever in the litigation of the company, or exert their influence in the company's behalf. On the contrary, it affirmatively appears that they do not. No attempt is made in the affidavits of the plaintiffs to show that in the trial of these causes any jury selected would be influenced by unusual conditions, by the attendance upon court of the company officers or its employees, by inflammatory or untruthful articles in newspapers, or by any exterior influence whatever.

On the contrary, it clearly appears that the plaintiffs do not rely upon any such condition of affairs, by the affidavits filed by the plaintiffs, of H. Lowndes Maury, in which he states that only two weeks prior to the filing of the motions for these changes he was entirely satisfied with the jury panel which had been called to sit in this court, it clearly appears that plaintiffs complain only of their inability to obtain fair and impartial men for jury service, but do not complain of being compelled to try their causes in Silver Bow County on account of influences which might be brought to bear upon jurors.

A change of venue will not be granted for the reasons which do not disqualify jurors from sitting in the trial of causes. (Gilbert *v.* Washington Water Power Co., 115 Pac., 925.)

The statutes of the State of Montana by which the qualifications of the jurors in the district court of the United States are tested cover every disqualifications of the same.

Among these we do not find any provisions "that a juror shall be disqualified to sit in the trial of a case wherein any person residing in the same county as such juror is a party, if such party is wealthier than any other person in the county, or employs ten times, or any number of times more men than any other single employer of labor."

Neither do we find any statute providing "that all persons within a certain political or judicial subdivision of the State shall have the right to have their causes tried therein unless it shall appear that they are wealthier than any other person in the community or employ ten times more men, or a greater number of men than any other single employer of labor in said political or judicial subdivision."

Until some such a statute or statutes shall be enacted, this fact does not present any valid, just, or legal reason why the conditions should warrant a change of the place of trial.

In Gilbert *v.* Washington Water Power Company, supra, the Supreme Court of Idaho said:

"In determining a question for a change of venue where the affidavits in support of a motion are based merely upon the fact that such articles were published, the court must keep in view what the law requires as grounds to disqualify a person from sitting as a juror. (See sec. 4380, Rev. Codes.) It may be that every citizen in Kootenai County read the articles published in these different newspapers, and yet none of them, on account of the mere reading of such articles, would be disqualified from sitting as a fair and impartial juror in the trial of the cause. The place where the juror resides, whether he has talked it over with his neighbors or with his family, and whether he has ever expressed his views about it, all have to be considered, and while it might require greater care upon the part of the trial judge in the case to obtain a jury of fair minds to try the case when such publications have been made, yet the fact that such articles were published and were read by a juror would not of itself necessarily disqualify the juror."

Again in the same case it is said:

"The bias or formed opinions which would disqualify jurors is not shown by the affidavits filed in this case."

In the brief filed in this cause by counsel for the plaintiff, taking us back to the days of the founders of the Republic, the articles of the Federalists, and putting the Constitution of the United States on trial, we find a statement which, of course, we do not controvert and that has always been recognized, "that power over a man's subsistence is power by will." The Statutes of the State of Montana by which the qualifications of jurors in the courts of the United States are to be tested, fully recognize this principle, and establishes the only recognition of the same which is permissible by this court in determining the qualification or disqualification of jurors. It disqualifies a juror where he is indebted to or is a creditor of one of the parties; it disqualifies a juror if the relation of master and servant exists between them, or the relation of agent and principal, attorney and client, etc. It does not disqualify a juryman because he happens to live in a community where one of the parties is dominantly rich or employs an extraordinary number of men in his business affairs, or where one of the parties adds to the material or productive wealth of the community. Such a disqualification would be absurd and would be a ridiculous misapplication of the principle above so enunciated by plaintiff's counsel. The agriculturists of the world produce everything necessary for the subsistence of mankind. Should they cease to grow grain and vegetable, and raise crops of corn, wheat and oats, barley and rye, and engage in the stock-raising industry, all people would soon be on the verge of starvation. Would this be any reason why a change of venue should be granted to a party because the community in which the case was lawfully triable was engaged alone in agricultural pursuits or because the other party owned ten times more land or employed ten times more laborers in such agricultural pursuits than any other single farmer in that community? Nothing could more clearly demonstrate than this the illogical and untenable position taken by the counsel for the plaintiffs.

The question of how many cases have been won or lost within the last ten or fifteen years by the Anaconda Copper Mining Company in the county of Silver Bow is, in our opinion, unimportant, and standing alone, even if a great number of such cases had been won by the Anaconda Mining Company, would furnish no proper predicate for a conclusion that ordinary litigants could not have fair trials before jurors in said county against the said Anaconda Mining Company. Before this fact would be of any value to the court, the court would be compelled to make a complete analysis of each of said cases; to know the frame of the pleadings; to know all the testimony introduced; to be advised as to all the rulings of the court and its instructions; to have been present and observed the conduct and demeanor of counsel, as well as the conduct and demeanor of witnesses and the condition of plaintiffs; the court would be compelled to measure the skill and ability of counsel; in short, the court would have to place itself in a position to be able to judge from all the facts and circumstances connected with the case and its trial, whether or not an unworthy or unlawful motive actuated the jurors who tried the case. However this may be, an analysis of the cases tried during the period disclosed by the affidavits shows that the Anaconda Copper Mining Company, defendant, lost more cases than it ought to have lost, and absolutely contradicts the statement of plaintiff's witnesses that fair trials can not and could not in the past be obtained by plaintiffs of personal injury suits against said company, and the other companies which have in recent years been con-

solidated with it; it is proof strong as Holy Writ that no condition exists in Silver Bow County which prevents an ordinary litigant from having a fair and impartial trial before a jury composed in whole or in part of residents of said county.

There is a statement contained in the rebuttal affidavit of Mr. Maury filed in all of these causes, and by which statement all of the plaintiffs are bound, which brands their claim that they can not have a fair and impartial trial in the district court of this division as untrue and false, to which we desire to invite the court's particular attention. This is the statement wherein Mr. Maury swears that a short time prior to the filing of these motions after a jury panel had been drawn to serve in this court, which jury panel was made up of about one-half of residents of Silver Bow and Deer Lodge Counties, he was satisfied with the jury. Of course, this is equivalent to saying that the plaintiffs were satisfied that the jury panel then in attendance would give them a fair and impartial trial, for Mr. Maury and his clients would not be satisfied with any jury which would not give them a fair and impartial trial. The claim of the plaintiffs here is that no fair and impartial trial can be obtained from any jury drawn on this division of the District Court of Montana, composed in whole or in part of residents of Silver Bow and Deer Lodge Counties. By his sworn statement he shows that such a jury was drawn and was in attendance within two weeks of the trial of these motions, and it was only after, on account of lack of sufficient members of the jury a special venire was issued and certain additional men were drawn from Silver Bow County that he became dissatisfied with the jury and concluded that in reference to that particular panel he could not have a fair and impartial trial; that particular panel having served its purpose; its time has expired and it has been discharged; defendant can not have these cases tried before that particular panel which dissatisfied the plaintiffs. It is shown by this affidavit that the disquietude of the plaintiffs arose from the personnel of a particular panel; since that panel has been discharged the obstacle in the way of plaintiffs having a fair trial has disappeared, and it certainly is clear to the court that if, during one term of court, the first panel drawn was satisfactory to the plaintiffs although the panel composed of about one-half (the evidence shows more than one-half) of persons drawn from Silver Bow and Deer Lodge Counties, that the statement and claim of plaintiffs is untrue that they can not have a fair trial before any panel composed in whole or in part of residents of Silver Bow and Deer Lodge Counties, and the court can not and will not conclude that because one panel drawn is unsatisfactory to the plaintiffs that the panel which shall be in attendance upon the court at the next trial of jury causes will likewise be unsatisfactory and prejudiced, when it appears that during the same term of court at which an unsatisfactory panel was in attendance there was for a large period of said term a panel in attendance against which even the plaintiffs and their counsel could not urge any objections.

The cases cited by the plaintiffs in support of their contention are, in our opinion, not in point, and in so far as they might be deemed in point, they do not correctly state the law applicable to the cases now under consideration.

The case of Terry *v.* Skinner (110 Fed., p. 494) is the only case cited wherein the question of removing a cause from one place of holding court in a district to another was under consideration. This was in the District Court of North Carolina. In that district neither the law nor any rule of the court gave either of the parties an absolute right to have his cause tried at a particular place of trial. It is quite important that this should be remembered because under the rules of this court, hereinbefore quoted in full, this absolute right is given to the defendant in these cases. A case might be filed in the District Court of North Carolina by one party, at any place in the district where court was holden; there was, however, a rule of court which provided that upon "the affidavit of a party plaintiff or defendant the court may, for good cause, remove a place of trial from one place of holding court to another." In this case the application was not for a change of venue, but the application was to remove a cause which was pending at one of the places of trial in said State, on the ground of convenience of witnesses. The party against whom the application was pressed resisted the motion on account of undue influence of the movant in said other place of trial; there was one case already pending in Raleigh in connection with the same matters. The court having considered the matter, thought that no good cause appeared why the place of trial should be removed from Raleigh to Elizabeth City, and in the exercise of discretion decided not to so remove it. In this case the question of one trial only was

involved. It did not involve the question as here presented of outlawing for all time a large corporation with a large amount of litigation. The differences herein pointed out and which appear in the opinion render this case of no value as an authority. In the course of this opinion it was said:

"Parties litigant should not only have a fair trial but, as far as may be, even the unsuccessful party should feel that his case has been decided by an impartial court and jury."

As a rule for the guidance of this court in reference to change of venue from one subdivision of a district in the State of Montana to another, this statement of the learned judge is not applicable. It does not conform to the decisions of the court of the State of Montana, neither does it conform to the decision of the highest courts of the United States on questions of removal of causes from State courts to United States courts on account of bias or prejudice of the people of the State. Indeed, it is not the law anywhere or any place. Who ever heard of an unsuccessful party feeling that he has had a fair and impartial court and jury, and who ever before heard of this being a rule of law to guide any court in determining the question as to whether or not one of the litigants should have his absolute legal right to have his case tried in a particular jurisdiction taken away and the venue of the place of trial changed?

So far as the other cases cited by counsel for plaintiffs are concerned, so far as they depart from the rules laid down by the Supreme Court of the United States in the following cases cited, they, of course, do not state the law applicable to the subject discussed therein. (In re Pennsylvania Co., petitioner, 137 U. S., 451; P. Schwenk & Co. *v.* Strang, 59 Fed., 209; Bellaire *v.* B. & O. R. R. Co., 146 U. S., 118; Fisk *v.* Henarie, 142 U. S., 465.)

The first act of the Congress of the United States provided for the changing of the place of trial from a State court to the United States court, on the ground of local bias and prejudice, was passed in 1867, and it grew out of the animosities and bitterness of the war between the States. This act gave to the moving party the absolute right to have the transfer made upon a petition or affidavit that he had reason to believe that, on account of such local prejudice, he could not obtain justice in the State court. Under this act the right was absolute, the same as it is under our change-of-venue law in the State of Montana, for a change of judges. No inquiry could be made into the facts, and upon the filing of a proper petition the duty of the court was imperative to order the change. Therefore decisions under the act are not at all pertinent.

In 1887 the act was amended so as to read as follows:

"Any defendant being such citizen of any State may remove such suit into the circuit court of the United States for the proper district at any time before the trial thereof when it shall be made to appear to said circuit court that, from prejudice or local influence, he will not be able to obtain justice in such State court or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause."

As to the law governing the courts of the United States in determining the question whether such local prejudice existed as to require a removal, it was said by the Supreme Court of the United States in re Pennsylvania Company, supra, as follows:

"There is another question raised in this case, on which it is proper that we should express our opinion. It arises upon the following words of the act: 'When it shall be made to appear to said circuit court that, from prejudice, etc.' How must it be made to appear that, from prejudice or local influence, the defendant will not be able to obtain justice in the State court? The act of 1867 only required an affidavit of the party that he had reason to believe that, from prejudice or local influence, he would not be able to obtain justice in the State court. By the act of 1887 it must be made to appear to the court. On this point also various opinions have been expressed in the circuit courts. Our opinion is that the circuit court must be legally (not merely morally) satisfied of the truth of the allegation that, from prejudice or local influence, the defendant will not be able to obtain justice in the State court. Legal satisfaction requires some proof suitable to the nature of the case; at least, an affidavit of a credible person, and a statement of facts in such affidavit which sufficiently evince the truth of the allegation. The amount and the manner of proof required in each case must be left to the discretion of the court itself. A perfunctory showing by a formal affidavit of mere belief will not be sufficient. If the petition for removal states the facts upon which the allegation is

founded, and that petition be verified by affidavit of a person or persons in whom the court has confidence, this may be regarded as prima facie proof sufficient to satisfy the conscience of the court. If more be required by the court, more should be offered."

In the case of Fisk *v.* Henarie, supra, in an opinion by Mr. Justice Fuller, it was said:

"The prejudice or local influence must be made to appear to the circuit court—that is, the circuit court must be legally satisfied by proof suitable to the nature of the case of the truth of the allegations that by reason of those causes the defendant will not be able to obtain justice in the State courts, and review on writ of error or mandamus is taken away."

In the case of Bellaire *v.* B. & O. R. R. (146 U. S., 118) it was said:

"Under the act of Congress in force at the time of the removal of this case and of the refusal to remand it, prejudice and local influence which would prevent the party removing it from obtaining justice in the State court must be proved to the satisfaction of the circuit court of the United States if its jurisdiction is to be supported on that ground."

In the case of Schwenk & Co. *v.* Strang, supra, the circuit court of appeals of the eighth circuit, by Caldwell, circuit judge, said:

"In a word, the affidavit does not contain a hint of any fact or circumstances from which any court could say that it had been made to appear that, from prejudice or local influence, the defendant would not be able to obtain justice in the State court. The grounds upon which the affiant arrived at the conclusion to which he swears are not disclosed. His residence is not disclosed. It does not appear that he ever was in Madison County, or knows a single citizen of the county or knows anything about the sentiments or feelings of the people of the county toward the plaintiff or the defendant. If he had stated the facts upon which he founded his conclusions, the court could then have determined whether his deductions were sound.

"It not unfrequently occurs, as every judge who has had experience on the circuit knows, that affidavits like the one under consideration are filed when it is perfectly obvious that the only prejudice that has any existence in fact is the prejudice of the affiant against the people of the county, of whom he knows nothing, and whose impartiality and fairness he impeaches without the slightest foundation of fact. Instances are not wanting where such affidavits had no better foundation than an earnest desire on the part of defendant to harass and delay the plaintiff in his suit. It was the knowledge of these facts that induced Congress to change the law on this subject. Under the statute in force prior to the present act, the removal of the cause from the State to the Federal court upon the ground of prejudice or local influence was effected by simply filing an affidavit in the State court stating that the party has reason to believe, and does believe, that from prejudice or local influence he will not be able to obtain justice in such State court. No inquiry into the truth of the affidavit was permissible. Under the act of 1887 the application for the removal on the ground of prejudice or local influence must be addressed to the circuit court, and the language of the act is that 'when it shall be made to appear to the circuit said court that from prejudice or local influence he will not be able to obtain justice in such State court, etc.' It will be observed that this act does not provide as did the act of 1867, that the cause shall be removed upon filing an affidavit alleging in general terms the existence of prejudice or local influence. * * *

"How must this fact be made to appear? Obviously, in some of the recognized modes by which facts are proved in courts of justice. It is not made to appear by the simple declaration in an ex parte affidavit that it does exist. That declaration proves nothing, and is evidence of nothing but the opinion of the affiant that the issue is not one to be determined by the opinion of an expert. An opinion or conclusion expressed in an ex parte affidavit which does not disclose the facts upon which the conclusion is founded, has no probative force. The court can not abdicate its functions and transfer to the maker of such an affidavit the high duty imposed upon it by law, of judging after inquiry and deliberation. The judicial faculty can not be farmed out in this manner. Before the court can remove the cause it must be made to appear that the fact exists upon which the right to the removal depends. The statute contemplated a judicial inquiry into the alleged fact. The court must take the responsibility of determining and adjudging judicially that prejudice exists before it can order the removal. Its judgment on this question must be reached by the customary and approved judicial methods."

An ex parte affidavit, which states no fact, but simply the affiant's opinion or conclusion, is sometimes made sufficient by statute for certain purposes. The act of 1867 is an example of such a statute. But in the absence of the statute such an affidavit ought not to be accepted as satisfactory evidence of the existence of any fact upon which the judgment of the court is to rest. When the court is charged with the duty as it is under the act of 1887, of ascertaining and determining for itself the existence or nonexistence of prejudice or local influence, it ought not to accept an ex parte affidavit such as was filed in this case as sufficient evidence, or indeed, as any evidence on the point. To give effect to such an affidavit is practically to nullify the act of 1887 and revive the act of 1867. The question should be determined by the court, as it would determine any other issue of fact arising in the progress of the case affecting the rights of the parties to the suit. The parties to be affected by the action of the court should have reasonable notice of the application for removal and an opportunity to contest it. When notice to the party adversely interested is practicable, the court should not in any case rest its judgment on a mere ex parte showing. Such hearings are often deceptive and misleading and for this reason are not favored. When the court comes to act upon the application it may receive evidence upon the point by affidavits which state facts or by deposition or by oral examinations of witnesses.

At this point it is proper for us to call the court's attention to the fact that the objections which we urge against plaintiff's affidavits which are supported by the decisions cited from the Supreme Court of Montana and the one last above quoted from can not be successfully urged against the affidavits which we have filed in this case on behalf of the defendant.

Our affidavits show long residence in the counties of Silver Bow and Deer Lodge, an intimate acquaintance with the people of the several counties, and in some instances, particularly the affidavits of counsel and officers and employees of the Anaconda Copper Mining Company, they show very particular acquaintance with the methods of that company in relation to court matters. Each of the affiants states that notwithsanding his long residence and acquaintance with conditions and with people they know of no fact that would indicate that the plaintiffs could not have a fair trial; that if any such facts existed they show that they have been in a position and would most certainly have known of the same, and that it is their belief and opinion that no conditions of affairs exist that would deprive the plaintiffs or any other litigants in the courts of said counties of a fair and impartial trial.

The plaintiffs are required to prove the affirmative of the issue in these cases, and in proof of an affirmative fact it is necessary to have some positive evidence of the same.

Upon us the duty devolves of proving the negative. Proof of the negative may be established by absence of anything to indicate the contrary. Therefore the statement of those who made affidavits in behalf of the defendant that they know of no fact leading to the conclusion that a fair and impartial trial can not be had and that in their opinion they believe that such a trial can be had, and that if any of the facts existed which would lead to a contrary opinion they would have known of the same, necessarily negative facts to the contrary, and the condition being a negative and normal one the situation is entirely different from that of the defendant, and therefore such testimony on the part of defendant's witnesses and such opinions and beliefs become satisfactory proof of the nonexistence of a state or condition which would deprive the plaintiffs of a fair and impartial trial. (Gilbert *v.* Washington Water Power Co., 115 Pac., 925; Willard *v.* Norcross, 75 Atl., 269.)

Under well-settled rules in jurisdictions with statutes similar to our own, if this court is to be guided by the laws of the State of Montana in regard to change of venue, the court might well wait, and it is within the discretion of the court to wait until the trial and by actual experimen in impaneling a jury ascertain whether a fair jury could be obtained in this county. (State *v.* Gray, 19 Nev., 212; State *v.* Millain, 3 Nev., 409; People *v.* Plummer, 9 Colo., 299; People *v.* Mahoney, 18 Cal., 299; Watson *v.* Whitney, 23 Cal., 375; Cook *v.* Pendergast, 61 Cal., 72.)

Upon the general subject of change of venue see the following: Gilbert *v.* Washington Water Power Co., 115 Pac., 924; Willard *v.* Norcross, 75 Atl., 269; Noonan *v.* Luther, 112 N. Y. Sup., 898.

The right of the defendant in these cases to have not only these cases but all others similarly situated tried in the southern division of this district is a substantial legal right, of which it ought not to be lightly deprived. Not only

is this so on account of the rules of this court, which have the force and the effect of law, but the right of parties to a trial by jury of the vicinage is as old as the common law; the plaintiffs in all of these cases are entitled to this right, unless they choose to waive the same; if they choose to do so, that is their affair. The defendant is entitled to his right, unless a legal reason exists why it should not be granted to him. If an individual is a party litigant and the cause of action is properly triable in the community in which he resides, he is entitled to such trial. If he is a reliable, credible individual, if by right living and just conduct he has established a good reputation in such community for truth and veracity and honesty and fair dealing, he is entitled to whatever benefit he may legitimately derive therefrom. This is one of the just rewards of good citizenship, and no one would say that this is a reason why his cause must be tried elsewhere.

Corporations, like individuals, acquire reputations. The court will undoubtedly take judicial notice of the fact that the tendency of ordinary juries is to entertain more or less feeling or prejudice against corporations generally. The larger this corporation may be the more this prejudice is accentuated. The court will also take judicial notice of the fact that the Anaconda Copper Mining Company has been much talked about in the State of Montana; that many persons seeking public office and many politicians desiring to take advantage of the natural feeling of antagonism toward a large corporation have upon political platforms of the State abused and vilified the Anaconda Copper Mining Company; that many newspapers have done likewise. Among those who have been most active in this effort to arouse public antagonism to this company throughout the entire State of Montana is some of the counsel who are now seeking to have these cases removed into communities where it is hoped that the misrepresentations indulged in will be beneficial to the plaintiffs in these and other causes which are to be hereafter removed. To remove these causes would expose the defendant to imminent danger of injury to its rights, arising out of this persistent and long-continued campaign of misrepresentation and vituperation, and the trial of the same in a community affected by this prejudice, having no knowledge of the corporation and its method of conducting business and its reputation among those who know it, would be a most dangerous experiment and would certainly not tend to promote the ends of justice. If the defendant during the period of its legal existence has be good conduct and a fair and just conduct, we respectfully submit that it, the same as an individual, ought not to be deprived of any benefits which may legitimately accrue therefrom.

The charges contained in plaintiff's affidavits are serious allegations against the people of the counties of Silver Bow and Deer Lodge, and in one sense their honesty and integrity is called in question. Under the proof there are alone in the county of Silver Bow disassociated altogether from the Anaconda Copper Mining Company over 30,000 men; in the county of Deer Lodge there is also a large number. These men have no disqualifying relations with the Anaconda Copper Mining Company; they are certainly as reliable and honorable and as conscientious, as a whole, as any other like body of men to be found in the State, and observe the ordinary amenities of civilized life. They come from every State in the Union and from every country almost of the world. It is sought to have the court hold that out of this large number of men no man can be found to sit upon a jury and fairly try a case against the Anaconda Copper Mining Company, simply because the company is rich and a strong company. In times of great excitement arising out of some particular conditions even honest men may be unconsciously swayed from the strict line of duty when acting as jurors; and, therefore, under such circumstances no very great influence upon a body of citizens is contained in an order granting a change of venue on account of bias and prejudice, but no condition of that character exists in the instant cases. If these men are disqualified and unfit to sit as jurors, the disqualification must arise from sordid and unworthy motives; they must be held to be willing, simply because the defendant is rich and strong and powerful, to violate their oaths as jurors—both the oath which is to direct them in their consideration of these causes and also the oath which binds their conscience when they answer questions with regard to their qualifications. The court should certainly hesitate long before by solemn judicial judgment it impeaches the honesty and integrity of almost one hundred thousand people.

One reason why these causes should not be removed is the almost unlimited power of this court over the verdicts of the juries.

In the case of Montgomery County *v.* Cochran, 116 Federal, on page 193, it was said:

"Apart from this, the operation of prejudice or local influence upon the judge may be far more harmful to the nonresident litigant than when such influences move the jury. A judge can correct the wrongs done by a jury. Their verdict amounts to nothing if it does not have the stamp of his approval. On the other hand, if the judge is improperly moved by local influence, it is, in many cases, impossible to correct the wrong, and in no case is that difficulty more insurmountable than where he not only determines the law but is sole arbiter of the facts."

This case correctly states the rule, and the power which is given to the judges in the Federal courts to grant new trials from which there is no appeal to either party is one of the instruments placed in the hands of the Federal judiciary to protect all litigants from any bias or prejudice or unjust act of a jury. Probably no one is in as good a position to judge of whether an unworthy motive or prejudice has actuated the verdict of a jury as the judge who tries the cause. Certainly the experience of the judge of this court upon the bench in Silver Bow County and in this court in the trial of causes wherein the defendant and other corporations have been defendants or plaintiffs against ordinary litigants much better qualifies him to judge the facts than the reading of newspaper accounts of such trial qualifies the gentlemen who have made affidavits for plaintiffs.

In the trial of the pending cases if this court should conclude from all the matters before it that any jury has been swayed from the paths of rectitude by bias or prejudice, or any other unlawful or illegal motive, and from this there is no appeal, and if this court should conclude from his observation or any unusual conduct on the part of juries that the allegations of the plaintiffs are true and that no fair and impartial trial can be had of a cause wherein the Anaconda Copper Mining Company is a party litigant, it will then be time enough for the court to consider the exercise of the extraordinary power of depriving this corporation of the right to try any of its suits in the southern district of this State.

There is no reason which renders it necessary for these or any other causes wherein the Anaconda Copper Mining Company is a party to be transferred to Helena or elsewhere for trial. No complaint is made against jurors summoned from Powell and Beaverhead Counties. The complaint is directed against those only from the county of Silver Bow and the county of Deer Lodge. The court has the unrestricted power in the trial of any of these causes to set aside any and all jurors drawn from the county of Silver Bow or the county of Deer Lodge, and try the cause with the jurors drawn from the other counties of the district. The court also has the unrestricted power to draw an entire jury panel from any of the other counties of the district and equally the court has the power to draw a jury panel from any county within the district of Montana and try all cases with such jury panel. This manner, however, should not be invoked and, of course, will not be invoked as a mere expediency or for the purpose of satisfying the clamor of the lawyers who have initiated and are pushing forward this movement. Courts are primarily made for litigants and for the people and not for any particular class of the members of the bar. Should, however, the court find the allegations of the plaintiffs are true—that no jurymen from Deer Lodge County and Silver Bow County should be permitted to sit in a cause wherein the Anaconda Copper Mining Company is a party litigant—then such a course would be both legal, expeditious, remedial, and certainly would be the only proper course to pursue, especially in view of the fact that the only crime laid at the door of the defendant is that it is rich, powerful, employs many men, and in an industrial way adds mightily to the prosperity not only of the people of the counties of Deer Lodge and Silver Bow but of the whole people of the State of Montana.

Respectfully submitted.

C. F. KELLEY, L. O. EVANS,
W. B. RODGERS & W. GAY STIVERS,
Attorneys for defendant.

Service of the foregoing admitted and copy received, this 5th day of June, A. D. 1914.

B. K. WHEELER, C. A. WALLACE,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiffs.

In the District Court of the United States in and for the District of Montana.

No. 151. At law.

JOSEPH MODENA, AS ADMINISTRATOR OF THE ESTATE OF CORRADO MODENA, PLAINTIFF, *v.* ANACONDA COPPER MINING COMPANY, A CORPORATION, DEFENDANT, AND OTHER CASES PENDING.

REPLY BRIEF ON MOTION FOR A CHANGE OF PLACE OF TRIAL.

We desire to make a short analysis of the brief of the Anaconda Copper Mining Company in reply. We shall go through the brief of the company backwards, and wherever the company has taken occasion to step outside of the record we propose to follow it.

The company ends with the statement that "in an industrial way it adds mightily to the prosperity of Deer Lodge and Silver Bow and of the whole people of the State of Montana." Such statement, if germane, might well be doubted.

Before it monopolized the copper industry of Montana there was greater prosperity in Butte than right to-day in proportion to the number of people here, and there was something here then dearer to these people than industrial prosperity. There was a spirit of liberty, freedom of thought, independence of action. These have been banished by assault after assault, invariably successful, made in the courts on independent operators.

Twenty years ago the Societe d'Anonyme de Lexington was assaulted by a predecessor in interest of the defendant. After a bitter litigation in the courts of Silver Bow County and the Supreme Court of Montana its activities were destroyed.

Eighteen years ago the mightiest individual operator that ever lived in all the world of finance, W. A. Clark, was operating a group known as the Colusa Parrot. A deadly clash came between him and this defendant. He was mulcted for a million or two and took a compromise, which was an acknowledgment of defeat.

Later a little leaser started up into life one Geyman Mining Company. It had no sooner commenced to ship ore than its prime mover was pursued by a predecessor in interest of this company, smoked out of its hole, and landed in jail.

Later came a mighty genius for fight. He realized that to carry on successful war against the present defendant and others associated with it he had to invade the citadel of the defendant, the courts in Silver Bow County. As long as he could control these he was successful. As soon as his possession there was disturbed his wreck became complete.

About the same time Raven Copper Company opened up some ore bodies on the sacred hill. It was told by this defendant or one of its predecessors in interest to evacuate the premises, though the ore bodies were admittedly beneath its surface lines. It did evacuate the premises, lingered long, languishing, and in December of last year quoth nevermore.

One James Murray, many times a millionaire, opened up ore bodies beneath the surface of the Ticon claim, also on the sacred hill. As soon as the claim commenced to produce the present defendant, or its coadjutor, the North Butte Mining Company (it matters not which), by means of an injunction, a court ring thrown around the neck of the smaller snake, stifled its activities, and as far as mining is concerned it lingers hibernating, as is permitted to such cold-blooded animals, lo these many years.

Coming down in point of time, Edward Hickey and Michael Hickey, locators of the Anaconda mine itself, attempted to open up a claim with the Lizzie Fraction. As soon as commercial ore was struck they were coiled by the Anaconda, and after the proper amount of oil had been spit upon them to make them go down slick they were swallowed in a mining way.

Following along in point of time, the Butte & Balaklava, at an expenditure for land, equipment, and development of six or seven hundred thousand dollars, opened up an ore body. Charmed by the approach of the serpent with its weapon, the courts and their subsidiary officers, the jurors, it shut down and finally took the same old compromise—was allowed to retain enough of its ore bodies to pay for its development and get out even with the game.

Then came the final and closing contest with the former Senator from Montana. We have spoken of him as the great individual operator of the world of finance; and as an individual operator he is without a peer. Brutus and Crassus amassed their enormous wealth by the sacking of Provinces and Govern-

ment aid; the Rothchilds, theirs through five generations of hoarding; Li Hung Chang, by the aid of a mighty Government which had existed over an Empire of unequaled richness; the Morgans and the Rockefellers amassed theirs not by individual effort but by associating themselves with mighty allies, and then (according to Mr. Mellon) fleecing them. But this individualist commenced 50 short years ago as a country school-teacher, without allies and without Government aid, has risen to second place in the world of finance.

But four or five years ago, when the present defendant announced to him that among the other assets of Heinze it had purchased the Umbrella Apex, he folded his tent, acquiesced in the decision, dares not fight, sold his properties which had been the scene of his youthful mining activities, the fountainhead of his mighty fortunes and were still in their infancy of development, for a sum paltry to him and to the value of his properties, and departed from the production of copper in Montana.

Another independent operator, the Tuolumne Copper Mining Company, also supported by the Hickeys, the locators of the mighty nucleus of the wealth of the defendant, after an expenditure in development of two hundred thousand or more dollars, opened up valuable ore bodies. The ally of this company defendant then proceeded to commit champerty, bought and held an outstanding claim of a man who believed that he had sold the interest to the Tuolumne Company, and by champerty the ally of this defendant proceeded to the courts presided over by the judges which it can and has elected, and served by juries which it can (it denies that it does) control. And without risking a final trial, such cessions of its ore bodies was made for peace that the price of its stock fell from approximately five dollars to to-day's quotation of thirty-five cents.

The author of this brief is not making this statement out of chagrin at a personal loss, because the author long before the litigation came, knowing the tenets and tendencies of this defendant and its ally, proceeded with due diligence to get in the clear.

And then, coming further down, a secret assault was made on Butte-Alex Scott, an independent concern, and it took the same old compromise.

The latest is Pilot Butte, which, at an expenditure for property and development of five or six hundred thousand dollars, opened up a little ore body. As soon as this happened an injunction was sought, and so little confidence had the buying public and the owners in Pilot Butte in the chance of a fair trial in Silver Bow County that the day after the commencement of this suit the stock of this concern went from about nine dollars a share to a dollar and a half. And why should it not do so? Were they not the same people who are called the "invisible government" of Montana, and rightly so; because it is a matter of history in this State that it said, when it was hurt in a lawsuit, to the governor and to the legislature of the State, "This is our will; do this because we want it," and they did it. And so we aver that the statement that "this defendant has added mightily to the prosperity of Deer Lodge County, Silver Bow County, and the State of Montana" is seriously open to argument.

The general proposition of taking away ten millions of dollars annually from the natural resources of the State is thought by some to detract in the long run mightily from the prosperity of a people who live in the State.

Going further backward through the brief, a compromise is offered to the court of bringing in jurors from the outside. For our part we know that this would be an improvement on the present system of trying these cases, but in the Federal courts we were taught to expect a system of trials which would guaranty a trial as nearly perfect as human wisdom could ordain.

The day after this argument, and in an attempt beyond a doubt (for it could be for no other purpose unless it be to satisfy the spleen of counsel) to influence the Federal judge presiding over these motions, the press of this defendant, one of which claims a circulation of ten thousand copies, another a circulation of eight thousand copies, and its ally for this purpose, the paper of the mighty individualist, printed at length, column after column, of the most one-sided stuff about this motion; and much of this stuff was false. It was from the affidavit of one Lew Orvis Evans.

Among the falsehoods was a statement that the writer had lost the last nine cases in which the writer had actively participated. This statement was not germane in any way, and by the presiding judge of the Federal court, of his own knowledge known to be false, and will doubtless be known to be false by the circuit court of appeals, which may eventually review this matter, because there are pending before that court at the present writing two cases in which the writer was successful. And the statement was equally false as to the record of cases in the State courts of Silver Bow County.

But nothing will satisfy the wrath of this concern against a man who makes a demand that they meet their opponents on equal ground.

In the affidavit of this same Lewis Orvis Evans there are accusations that an ex-chief justice of Montana, William Young Pemberton, was an "ambulance chaser" and a solicitor of litigation; that Robert B. Smith, with whom the writer had a kind of a partnership agreement, one of the ex-governors of Montana, and the man who first helped in a professional way the maker of the affidavit up the ladder of the profession, was likewise engaged in the same business. The writer's feelings are not hurt by the slanders of the man who promulgates the affidavit. It places the writer in the class with all of the able lawyers who have opposed Evans in his professional career. No such vituperation has been cast at the writer by Evans as has been cast by him in days gone by at Corbet, at Clayberg, at Bach, at Toole, at McHatton, at Denny, at Leonard, at Vale before he joined the ranks of the Amalgamated lawyers. Nor is the vituperation which has been cast at the writer by Evans anything to equal the wrath which will be secretly hurled by him at the presiding judge of this court when this motion goes against him.

Going further backward through the brief the writer is accused of raising a turmoil against this defendant lasting during seven years. The writer has consistently announced that no fair trial can be had against this defendant in this county.

The politics of the State was invaded in the brief of the defendant. May we likewise venture into that field of public knowledge, and say that it is the writer's candid belief that all that I have said on this subject has weighed little when compared with the effect of one of those speeches made on heated occasions, which lasts for years through a community, and made in the auditorium of the city of Butte, in a Republican convention some decade ago, snatches of which linger yet in the memories of people who heard it. I can see a man stirred by righteous indignation, a man earnest for the truth, earnest for righteousness in government, pointing his hand to various leaders of that convention, announcing, "Here is a shift boss; there is a superintendent; you are but sheep," and other similar burning words. That speech, coming from that man in that convention, did more to convince the people of Silver Bow County and this State that the political situation and civil government of Silver Bow County was entirely under the thumb of the Anaconda Copper Mining Company than any words of the writer, a member of an opposition party.

So that, while I may be to blame and have been guilty of this lese majeste, I have much good company with me.

We are entitled to get out of this environment. We are entitled to a trial away from the influence of a concern which can control great political parties. They say that they have never used this tremendous power in lawsuits. It is useful to them without being called into activity by any overt act of theirs. It is as much of an advantage as the man who plays with secretly marked cards against an adversary playing a fair game. Their plan is to the court of trust them not to call to their aid this mighty power. Now, there are men who are honorable enough to even play with marked cards and not take advantage of their adversaries, but these men seldom object to bringing in a new deck. And for my part, there is nothing so indicative of retrogression of the bar from its high standards as the fact indicated here, that there are men who claim to be better than we who strain heaven and earth to keep their adversaries in a lawsuit at a disadvantage.

Going backward through the brief, we find that there are many newspapers in Montana that have opposed the defendant. So far as we know, there is a weekly called the "Montana Socialist"—the same printed matter is delivered in Butte under the head of "Butte Socialist"; a weekly in Helena called the "Montana Progressive"; a daily in Missoula called the "Missoulian." We have not asked for a transfer to Missoula. In Helena there is a weekly. They would gladly force to trial entire strangers in Butte in the presence of that mighty press, the Standard and the Post, with the Miner equally interested against all such cases as these. They admit the power of the press and its persuasive influence in the trial of lawsuits when they admit their fear of a little weekly like the Montana Progressive. Their admission speaks volumes for our right to remove from the region of their press.

The writer did and does aver that no individual can get a fair trial against any large corporation in Butte. Nothing more clearly demonstrates that than the horde of corporation counsel and office-holding lawyers that rushed to the rescue of this defendant and showed willingness to swear to a negative (never as worthy of belief as men who swear to an affirmative proposition).

The first set of affidavits was a chorus of county attorneys; another the sheriff, the ex-sheriff, and the ex-ex-sheriff; and then the corps of corporation lawyers—the Milwaukee lawyers, the Great Northern lawyers, the Northern Pacific lawyers, the East Butte lawyers, the Oregon Short Line lawyers, the Clark lawyers, the North Butte lawyers, and the Montana Power Company lawyers. It sounded like the Salvation Army singing that old song, "Onward, Christian soldiers; we are all united, of one purpose we." Strange is it not that outside of those lawyers none were found willing to join with the defendant and the harmonious unison in which they sang. And the harmonious unison in which they sang demonstrates to the public that any man working for a corporation should not, to retain the friendship of his master, decide against another corporation.

And the results through seven years were foretold seven years ago. In seven years in the district court above entitled, and in the circuit court, its predecessors in jurisdiction, though hordes of cases against corporations for personal injury or death were tried, there was one verdict for two hundred and fifty dollars (in actual money).

There appeared in a law journal some years ago a story of a judge and a trial in one of the Southern States. The law was one way and popular opinion was another, and it was silently agreed on in the community that in this case there should never be a unanimous jury, unanimity being required under the laws of that State. The judge tried the case once with a jury and there was a disagreement, and the same outcome took place until the sixth trial had been conducted, to the same disagreement of the jury. And the judge delivered himself of the following statement:

"In discharging you, gentlemen of the jury, in this the sixth trial of this case, I may state that in a game of crap to throw four sixes once is a very good throw; to throw it twice in succession is remarkable; to throw it three times in succession is marvelous; to throw it four times in succession is phenomenal; to throw it five times in succession borders on the miraculous; but to throw it six times in succession is in nowise miraculous, phenomenal, marvelous, or unusual. Any man can do it with loaded dice and do it almost every time."

We have quoted little law. The only law on the case is to be found in our original brief. It is not answered. This is a question involving knowledge of conditions political, economic, and otherwise. The comparison between the influence of a popular Congressmen in North Carolina and the influence of the Anaconda Copper Mining Company in Montana is insignificant, and greatly in favor of the cat when one compares the strength of a household kitten to the strength of a Bengal tiger.

We opened the argument in the first brief with the statement that the Constitution of the United States is on trial. Not in written laws will freedom and justice be preserved. No nation in its government ever rose above the standard of marrow and courage of the men who conducted the government. The Constitution of the United States and all of the decisions construing it, and all of the acts of Congress might be engrafted on Russia by one mighty act of the Czar and the Douma, and the day after it was done and 50 years after it was done it would have made no change in the manner of the liberties of the Russians. But freedom comes from judges such as withstood the aggression of the Stewarts, or from some village Hampden that with dauntless breast the little tyrant of its fields withstood.

And we may close this brief with Xenophon's remarks to the ten thousand Athenians which had been betrayed in the heart of Persia: "Men of Athens, the glory of Athens is not in her ships, nor in her wealth, her mines of gold or her mines of silver. The glory of Athens is in her men." Unless the men in this Nation can secure justice, then are the bulwarks of liberty provided by our ancestors idle words.

Respectfully submitted.

B. K. WHEELER,
C. A. WALLACE,
MAURY, TEMPLEMAN & DAVIES,
Attorneys for Plaintiff.

Service of the foregoing brief admitted and copy received this 8th day of June, 1914.

C. F. KELLEY,
S. O. EVANS,
W. B. RODGERS,
D. GAY STIVERS,
Attorneys for defendant.

In the District Court of the United States, District of Montana.

No. 151.

JOSEPH MODENA, AS. ADMIN., *v.* ANACONDA COPPER MINING CO.

This action is for wrongful death. It was commenced in this court and in Silver Bow County in the Butte division of this Federal district, where the cause of action arose. For trial plaintiff moves to transfer it to Lewis and Clark County in the Helena division. The motion is resisted. Like motions are made in three like cases. The grounds of the motion are that plaintiff can not have a fair trial or an impartial trial hereof in Silver Bow County and can not have such fair or impartial trial "before a jury or panel composed in whole or in part of residents of Silver Bow County or Deer Lodge County in Montana." Said counties are two of four constituting the Butte division. The motion was heard on affidavits and oral testimony. The oral testimony was that of one of defendant's counsel, a witness for both parties, to certain employment of him and other of said counsel by other than defendant, to property purchases by defendant and other matters of little materiality.

Plaintiff presented affidavits of twenty-three attorneys and four other persons, and defendant presented affidavits of thirty-one attorneys and forty-one other persons. Of these, defendant asserts plaintiff's are of attorneys interested in personal-injury litigation, and plaintiff retorts defendant's are of attorneys interested in corporation practice. In the main, both are correct with no apparent discredit to either.

Plaintiff's four affidavits other than by attorneys are by two persons interested in this and the like motions and one by a person who heretofore has been unsuccessful in a personal-injury action against defendant. Defendant's forty-one affidavits, other than by attorneys, are mostly by prominent and leading business men and public officers of the counties of Silver Bow and Deer Lodge, with some few by agents and employees of defendant. In substance, plaintiff's affidavits are that defendant is of great and preponderatory magnitude in the mining and smelting industries of said counties to the extent of employing therein nearly one-half the men thereof; that nearly all the people of said counties depend for support upon mining and the good will of defendant; that defendant's agents and servants have taken an interest in politics and have dominated conventions in Silver Bow County; that defendant and its agents have other business connections in said counties; that defendant maintains a card system to identify its employees; that defendant is of wealth and influence, and (note—one affidavit only by one of plaintiff's counsel to all the following) so great has been that influence in "the political, economical, and juridical" of said counties it has established in the minds of the people thereof "a fear of deciding any cause against this corporation or against any other corporation in favor of an individual"; that in a little more than the last seven years, though many cases have been brought against defendant and other named corporations, affiant is informed and believes that there has not been a verdict rendered in Silver Bow County against any of said corporations; that in the last seven years, though personal-injury and death cases have been tried in this court sitting in Silver Bow County, affiant is informed and believes that there has not been a verdict rendered for any plaintiff; that affiant "avers that it is impossible for any ordinary litigant to secure a fair or an impartial trial in the above-entitled court before any jury consisting in whole or in part of residents of Silver Bow County or of residents of Deer Lodge County in Montana."

Twenty-six of plaintiff's affidavits are duplicate copies of a single blank original, wherein each attorney executing one inserted his name in the proper blank. These affidavits recite that affiants have "heard many people talk on the subject of whether any ordinary litigant or any litigant at all can have a fair and impartial trial before any jury whereon there are residents" of said counties. But this is a mere intrusive or detached statement and goes for nothing. For not only is there silence as to the tenor of the "talk" or of consensus of opinion by it expressed, if any was expressed; but it is not alleged it is in any way the basis of affiant's belief therein declared that "it is impossible in the above-entitled action to have a fair or an impartial trial of this cause before a jury consisting in whole or in part of residents of said committee."

In substance, defendant's affidavits are that the makers are in a position to know and do know the state of public opinion and sentiment in said counties in relation to defendant; that there is not therein any bias or fear or favor or

prejudice or sentiment making in behalf of defendant, nor any dread or fear of defendant, nor any condition, sentiment, or reason which in the affiant's opinion would in any way prevent plaintiff from securing a fair and impartial trial hereof in Silver Bow County, and before a jury composed of residents of said counties; that they have never heard of any attempt by defendant to influence or punish any litigant, witness, or juror (note—plaintiff does not charge any thereof) that (note—affidavits by defendant's agents only) defendant pays no attention to the residence of witnesses and jurors, and neither seeks nor obtains information in respect to any of their conduct in any case; that defendant in no manner discriminates in its employment or otherwise because of witness or jury service, or any reason, or at all due to litigation.

And all those executing defendant's affidavits declare that they know of no reason and believe none exists why this case can not be fairly and impartially tried herein and before a jury of residents of said counties and that they believe a fair and impartial trial can be so had. In an affidavit by one of defendant's counsel it is stated that for years defendant's policy has been to settle when resonably possible all claims against it for personal injuries irrespective of liability; that in 1913 it settled 403 such claims; that since March, 1910, but two personal injury cases against defendant have been tried in Silver Bow County, though 87 thereof have been there commenced and almost all of which have been settled; that so far has defendant pursued this policy that to one of those executing an affidavit presented herein by plaintiff, defendant paid $3,500 after his action for personal injuries against defendant had been upon trial disposed of adversely to him; that in a little more than seven years last past in the State court in Silver Bow County in actions against defendant or the other corporations named in plaintiff's affidavits six verdicts were rendered for plaintiffs and seven for defendants; that in the same period in this court sitting in said county in personal injury or death actions, wherein juries were properly instructed and verdicts not directed, four verdicts were rendered for plaintiffs and six for defendants; that in the last five years in the State court in said county in personal injury actions against the city of Butte and other corporations not of those named in plaintiff's affidavits a great many verdicts have been rendered for plaintiffs and approximately forty for defendants, including twelve for said city. It is also therein alleged that efforts have long been made by one of plaintiff's counsel and others to promote "personal injury business" and to that end in said counties, by political and other abuse, to create public sentiment adverse to defendant and other corporations, which is by said counsel, in so far as he is concerned, in effect denied.

It is further alleged that in none of the cases aforesaid in the State court was any effort made to secure a change of venue from Silver Bow County; that in said county juries, even as elsewhere, are inclined to return verdicts for plaintiffs in personal injury cases, "if any basis whatever can be found therefor," and that if this motion for transfer for trial be granted it will inconvenience witnesses, increase expense, and in effect establish that none of the cases wherein defendant is a party shall be tried where they originate in Silver Bow County or before any jury whereon are residents of either of said counties. This statement of what court records show is undenied has been verified in this court, and is taken as true in respect to the State court. It is first to be observed that by statute and rule of court of the force of statute the place of trial of this action is where it originated and was commenced. Both parties have a vested, substantial, and valuable right to have it there tried, of which neither of them can be involuntarily deprived, save for good cause. Inability to there secure a fair or impartial trial would be good cause to transfer the action elsewhere for trial. The presumption is that a fair and impartial trial can be had where, in accordance with statute and rule, the action was commenced, and the party who alleges the contrary has the burden to sustain it by a preponderance of legal evidence in quality and quantity sufficient to satisfy the court of the truth of his allegation. Here this burden is upon plaintiff, and he has not sustained it. No labored discussion of the affidavits is necessary to demonstrate this. It suffices to say that, taken as a whole, in quantity, quality, trustworthiness, and weight not only do defendant's affidavits balance and offset those of plaintiff, but they preponderate over them.

It is worthy of note that plaintiff attempts to prove too much. He goes far beyond the necessities of his motion and by most sweeping allegations embracing all and any litigation and parties he would proscribe from any jury service the nearly 100,000 inhabitants of Silver Bow and Deer Lodge Counties. These are taken to be exaggerations and sought to be fortified by erroneous information

and belief in respect to court records available to all. Exaggerations are not by seal. They help no cause, and, disproven to the extent here, discredit the proceedings wherein they appear. Stripped nonessentials, argument, inferences, conclusions, and beliefs not of themselves evidence, save that in so far as conclusions and beliefs are based upon and supported by facts therein they may be considered. Plaintiff's affidavits are that defendant is of industrial preponderance in said counties, and its many employees exercise their political rights therein—insufficient to support the conclusion of the "fear" alleged and insufficient to warrant the belief alleged that plaintiff can not secure a fair and impartial trial in Silver Bow County. Both parties hereto have departed from the record and appealed to the knowledge of the court. In proceedings of this character courts may and do resort to their own knowledge. In view of the premises the writer hereof will say that while a great variety of criticism of defendant, to put it mildly, justly or unjustly, has been for years the chief plank in the platform of many members of all parties in Montana, so far as his experience of twenty years at the bar and on the bench of Silver Bow County and Montana and some participation in the political activities of the county and State qualify him to speak, he has not believed, and has had no reason to believe at any time that in the courts sitting in Silver Bow County or elsewhere in Montana any jury was either influenced by or infected with fear or any other unworthy emotion constraining or inducing it to favor defendant.

No substantial reason appears why this case can not be fairly tried in Silver Bow County before a jury drawn as the rule requires. Plaintiff's belief to the contrary may be founded on the erroneous information aforesaid. At any rate, although it is highly desirable that every litigant have confidence in the jury before which his cause will be tried, merely to inspire this confidence therein his opponent's right to a trial at a particular place is not to be denied. Substance must not be made to yield to shadow. The motion is denied, and like order will be entered in each of the other cases.

July 22, 1914. BOURQUIN, J

In the District Court of the United States in and for the District of Montana.

No. 151.

JOSEPH MODENA, AS ADM., *v.* ANACONDA COPPER MINING CO.

This cause, heretofore submitted to the court upon plaintiff's motion to change the place of trial of the above-entitled cause from Butte, Mont., to Helena, Mont., and affidavits in support thereof and in opposition thereto, came on regularly at this time for the judgment and decision of the court; and now, after due consideration had, it is ordered that plaintiff's said motion be and hereby is denied, in accordance with the written decision of the court this day filed.

Entered, in open court, July 22, 1914.

GEO. W. SPROULE, *Clerk.*

Attest a true copy of order:
GEO. W. SPROULE, *Clerk.*
By C. R. GARLOW, *Deputy.*

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